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S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

The "Minutes" of the Rules Committee consist of entering on the Calendar (Agenda) the actions taken by the Committee.

Unfortunately, the Minutes for the year 1996 are missing. We have therefore included the unmarked Calendar, when available. This will not give the actions taken by the Committee, but will at least give the matters considered at the meeting.

Beginning in 1990, the Budget Analyst prepared Memoranda for many of this Committee's meetings. Those Memoranda are included when available.

NOTE: The "Rules Committee" became the "Rules and Legislation Committee" in April 1982. Its name was changed back to the "Rules Committee" in March 1987.

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\$90.84

#1 BOARD of SUPERVISORS

1/2/96



401 Van Ness Avenue, Room 308
San Francisco 94102-4532
554-5184

December 20, 1995

DOCUMENTS DEPT.

DEC 29 1995

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Dear Resident:

NOTICE IS HEREBY GIVEN that the Rules Committee of the Board of Supervisors will hold a public hearing on Tuesday, January 2, 1996, at 10:00 a.m., Veterans Building, 401 Van Ness Avenue, Room 410, pursuant to City Planning Code Section 306.7, on extending interim zoning controls for an additional six month period to prohibit temporarily the approval of permits or other land use entitlements, subject to specific exceptions, for property within the Lobos Creek Conservation District Moratorium as herein defined as the area within 100 feet of both banks of Lobos Creek.

If you require additional information, or would like to obtain a copy of the proposed legislation (File 111-94-1.2), please contact Rosemary Little-Horanzy, Clerk of the Rules Committee, at 415-554-4447.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Taylor".

John L. Taylor
Clerk of the Board

POSTED: DECEMBER 20, 1995

RULES COMMITTEE
Board of Supervisors
City & County of San Francisco
401 Van Ness Avenue, Room 308
San Francisco, CA 94102

IMPORTANT HEARING NOTICE!!!

S90.84

#1

1/2/96

CALENDAR

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

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TUESDAY, JANUARY 2, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: ROSEMARY LITTLE-HORANZY

* * * * *

Disability Access



Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #5 Fulton, #21 Hayes, #42 Downtown Loop, #47 Van Ness and #49 City College lines and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 308 staff.

The following services are available on request 48 hours prior to the meeting or hearing:
For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

**RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO**

TUESDAY, JANUARY 2, 1996 – 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: ROSEMARY LITTLE-HORANZY

REGULAR MEETING

1. File 111-94-1.2. [Lobos Creek Moratorium Extension] Resolution extending Interim Zoning Controls to prohibit temporarily the approval of permits or other land use entitlements, subject to specific exceptions, for property within the Lobos Creek Conservation District as herein defined, for a six (6) month period. (Supervisor Shelley)

ACTION:

2. File 193-95-10. [Conservatory of Flowers] Hearing to explore the City's options to save the Conservatory of Flowers in Golden Gate Park. (Supervisors Migden, Alioto, Ammiano, Leal, Shelley)

ACTION:

3. File 193-95-9. [Golden Gate Park Conservatory Emergency Repairs] Resolution urging the Mayor to submit a supplemental appropriation to initiate emergency repairs on the Golden Gate Park Conservatory. (Supervisors Ammiano, Migden, Bierman, Alioto, Leal, Shelley)

ACTION:

4. File 60-95-19. [Ballot Argument, Lease Financing, Moscone Center] Hearing to consider submitting ballot argument concerning lease financing arrangement for acquisition and construction of additional convention center facilities and related equipment, fixtures and furnishings in the South of Market Area. (Supervisor Ammiano)

ACTION:

5. File 60-95-20. [Ballot Arguments, March 1996 Election] Hearing to consider submitting ballot arguments concerning issues submitted to the Registrar of Voters by December 27, 1995, for the March 26, 1996 election. (Clerk of the Board.)

ACTION:

6. File 219-95-3. [Youth Commission Application] Hearing to consider whether a supplemental application for potential youth commissioners is advisable. (Supervisors Alioto, Bierman)

ACTION:

CALENDAR

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#1

1/16/96

RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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JAN 12 1996

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REGULAR MEETING

TUESDAY, JANUARY 16, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: ROSEMARY LITTLE-HORANZY

* * * * *

Disability Access



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RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, JANUARY 16, 1996 – 10:00 A.M. VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: ROSEMARY LITTLE-HORANZY

REGULAR MEETING

1. File 118-96-1. [Lead Poisoning Prevention Committee] Ordinance amending Health Code Section 1607 to reduce the membership of the Lead Poisoning Prevention Citizens Advisory Committee from 29 members to 25 members. (Supervisor Shelley)

ACTION:

2. File 92-95-47. [Appointment, Delinquency Prevention Commission] Hearing to consider appointing member to the Delinquency Prevention Commission, vice Thomatra Scott (Seat No. 21817 – must be nominee of Supervisor Kennedy), term expired June 30, 1995, for a new four-year term ending June 30, 1999. (Clerk of the Board)

Applicant: Cynthia M. Seymour (nominee/Supervisor Kennedy)

ACTION:

3. File 193-96-1. [Mission Dolores Soccer Field] Hearing to consider the progress of the Mission Dolores soccer field. (Supervisor Leal)

ACTION:

RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA. 94102

**IMPORTANT
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Attn: Kate Wingerson

CITY AND COUNTY



OF SAN FRANCISCO

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BOARD OF SUPERVISORS
BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

January 12, 1996

TO: Rules Committee
FROM: Budget Analyst *Recommendations for meeting of*
SUBJECT: January 16, 1996 Rules Committee Meeting

Item 3- File 193-96-1

Item: This item is a hearing to consider the progress of the Mission Dolores soccer field.

Comments: **Overview:** The FY 1993-94 Open Space and Park Renovation Program included \$300,000 to develop a practice field for youth soccer at Mission Dolores Park. After a series of public meetings, in April of 1994 the Recreation and Park Commission selected a plan for the field, and authorized the Department of Public Works (DPW) to prepare specifications and bid documents, and proceed with selection of a contractor and construction of the soccer field. The dimensions of the soccer field are 190 feet by 270 feet. According to the construction contract, the project was scheduled for completion by July 31, 1995. As of the writing of this report, DPW had not yet formally accepted the project as complete. The DPW and Recreation and Parks Department (RPD) were engaged in negotiations with the contractor, Angotti and Reilly, to correct various problems with the condition of the turf. (See the section on Current Project Status below.)

Experience Requirements of Bidders: Mr. John Thomas of the DPW Bureau of Engineering advises that, because the soccer field project involved multiple trades, such as excavation, irrigation and landscaping, State law required that the general contractor have a Class A General Engineering Contractor's License. In addition, in accordance with State law, bidders were required to show that the firm doing the planting and irrigation work had a Class C-27 Landscaping Specialty License. In addition, the DPW required that the bidder have completed at least two automatic irrigation systems larger than 90,000 square feet in area within the past five years. The installer of the lawn hydroseeding was required to provide that, "only qualified and competent workmen with a minimum two years work experience of same hydroseeding installation shall work on the job." Hydroseeding is a process in which seeding is accomplished through spraying the field area.

However, Mr. Thomas reports that DPW did not require the bidders to have experience in the installation of athletic fields. Mr. Thomas states that DPW did not require evidence of such experience because the Mission Dolores Park soccer field was not considered to be a complex project, requiring specialized experience.

Soil Testing and Landscape Maintenance Specifications: Mr. Thomas states that the bid specifications required the contractor to obtain soil tests, and to amend (treat) the soil in accordance with any recommendations made by the testing laboratory. Soil amendment (treatment) involves enhancing the nutrient content of the soil.

The bid specifications also called for the contractor to comply with a 60-day landscape maintenance program to achieve "plant establishment" prior to final acceptance of the project. The section of the specifications pertaining to this landscape maintenance program, including descriptions of field quality control procedures and progress maintenance observations to be made by the DPW Engineer prior to final acceptance of the project is shown as Attachment No. 1 to this report.

Construction Contract Award: The contract for construction of the soccer practice field at Mission Dolores Park was awarded by the DPW to the firm of Angotti & Reilly, Inc. as the result of a competitive bidding process, on January 25, 1995. The DPW received two bids on the project. The firm of Angotti & Reilly, Inc. bid \$185,000, and the firm of Lemings Irrigation, Inc. bid \$173,826. Although Angotti

**BOARD OF SUPERVISORS
BUDGET ANALYST**

Memo to Rules Committee
January 16, 1996 Rules Committee Meeting

& Reilly, Inc. is neither an MBE nor a WBE firm, it is a locally-owned business (LBE). The firm of Lemings Irrigation is neither an MBE, WBE nor an LBE. Because the Angotti & Reilly, Inc. bid was less than 10 percent higher than the low bidder (Lemings Irrigation, Inc.), Angotti & Reilly, Inc. was awarded the contract based on the LBE preference.

The construction contract was awarded according to the following breakdown of costs between the prime contractor, Angotti & Reilly, Inc. and the subcontractors to Angotti & Reilly, Inc.:

<u>Firm</u>	<u>MBE/WBE</u>	<u>Type of Work</u>	<u>Contract Amount</u>
Angotti & Reilly, Inc.	LBE	General Contractor	\$52,600
Rosa's Construction	MBE	Excavation	30,500
Advanced Landscaping	None	Irrigation	66,900
Greenleaf Truck	WBE	Trucking	12,000
Cence Landscape	WBE	Hydroseed Maintenance	23,000
Total Construction Contract			\$185,000

DPW officials state that the contractor and subcontractors met the State licensing and experience requirements outlined above. However, as noted above, the firms were not required to have specific experience in the installation of athletic fields.

Project Budget: Ms. Joanne Wilson of the RPD reports that the current estimated total project costs, including the actual construction bid amount, are summarized as follows:

<u>Item</u>	<u>Amount</u>
Construction Contract	\$185,000
Construction Contingency (10%)	18,500
DPW Bureau of Engineering, preliminary planning, design and bid preparation. (613 hrs. @ \$45.52 per hour)	27,904
DPW Bureau of Construction Management. (638 hrs @ \$50.94 per hour)	32,500
Unassigned	6,096
Total Project Budget	\$270,000

Mr. Havlik of the DPW Bureau of Contracts Administration states that, as of the writing of this report, of the total contract amount of \$185,000, Angotti & Reilly, Inc. has been paid a total of \$166,963 by the DPW. A balance of \$18,037 of the \$185,000 construction contract has been encumbered by

Memo to Rules Committee
January 16, 1996 Rules Committee Meeting

the DPW, but had not been paid by the City to Angotti & Reilly, Inc. as of the writing of this report.

Mr. Havlik further reports that, as of the writing of this report, costs of \$30,950 had been incurred of the \$27,904 budgeted for the DPW Bureau of Engineering, or a cost overrun of \$3,046. In addition, as of the writing of this report, a total of \$34,469 has been incurred of the \$32,500 budgeted for the DPW Bureau of Construction Management, or a cost overrun of \$1,969. The additional \$5,015 (\$3,046 plus \$1,969) needed to cover the cost overruns incurred by the DPW would be paid from the unassigned portion of the original budget.

Ms. Wilson states that the Open Space Fund has a balance of \$30,000 (the \$300,000 originally budgeted for the project less the \$270,000 currently budgeted) listed under this project. In addition, Mr. Havlik advises that, as of the writing of this report, the \$18,500 construction contingency and \$1,081 (\$6,096 originally budgeted less \$5,015 DPW's additional costs) of the unassigned portion of the budget are also unexpended. A total of \$49,581 (\$30,000 plus \$18,500 plus \$1,081) is therefore potentially available for further work on this project, if additional City funds are required.

Construction Period: As previously stated, the original estimated completion date for this project was July 31, 1995. DPW could not provide a current estimate of the completion date because DPW reports that this depends upon the course of action that is selected by the DPW and the RPD, as discussed in the section on Current Project Status. Mr. Wallace Wong of the DPW's Bureau of Construction Management states that DPW staff monitored all phases of installation of the soccer field. Mr. Wong reports that the construction schedule fell behind initially by approximately two months because Angotti & Reilly, Inc. had to replace more of the topsoil than was anticipated and due to inclement weather. In addition, Mr. Wong reports that the first hydroseeding did not adequately germinate, so the hydroseeding process was repeated, causing further delays. Mr. Wong advises that such problems were exacerbated by trampling of the field by park users that has occurred despite the installation of a fence by Angotti and Reilly, Inc. Mr. Wong states that the landscape maintenance period has been extended two times in order to correct such deficiencies.

Final Acceptance: According to Mr. Wong, on December 18, 1995 representatives of the DPW, RPD and Angotti and

**BOARD OF SUPERVISORS
BUDGET ANALYST**

Memo to Rules Committee
January 16, 1996 Rules Committee Meeting

Reilly, Inc. participated in a Final Inspection of the soccer field. At that time, the DPW and RPD officials indicated verbally to representatives of Angotti and Reilly, Inc. that the project would be accepted by the City as soon as a few minor items were corrected. However, Mr. Wong reports that the DPW did not finalize the paperwork to issue a Final Certificate of Completion because representatives from the Mission Youth Soccer League and other soccer officials wanted to inspect the soccer field on December 28, 1995. Therefore, as of the writing of this report, the project has not been formally accepted as complete by the City. Mr. Wong presently states that a Certificate of Completion will not be issued until a DPW and RPD inspection confirms that the contractor has satisfactorily complied with the plans and specifications. (See the section on Current Project Status below.)

Inspection by Soccer League: On December 28, 1995 officials of the Mission Youth Soccer League (MYS), the Federation International de Football and the California Youth Soccer Association inspected the Mission Dolores Park soccer field. Mr. Sean Sweeney and Mr. Luis Ensina of the RPD, and a representative from the Office of Supervisor Leal attended the inspection. Also on December 28, 1995, the Secretary of the Mission Youth Soccer League submitted a letter to the RPD, the DPW, the contractor and Supervisor Leal listing problems with the field, and stating that, "The deficiencies in the Dolores Park Soccer Field identified herein must be repaired before we can allow youth covered by California Youth Soccer Association (CYSA) liability and medical insurance to use the field." A copy of this letter is shown as Attachment No. 2 to this report.

Mr. Sweeney, who had not represented the RPD in prior inspections of this project, states that the surface of the field is not uniform, and that the top layer of soil has very heavy organic content, which can result in an inadequate supply of nitrogen to support the turf. Mr. Sweeney further states that the turf is stressed in various places. A memo prepared by Mr. Sweeney outlining his analysis of the deficiencies of the soccer field is shown as Attachment 3 to this report.

However, DPW officials state that the soccer field was constructed according to the plans and specifications for the project, and is in usable condition. A memo from Mr. Thomas of the DPW, responding to the deficiencies cited in Mr. Sweeney's memo, is shown as Attachment 4 to this report.

BOARD OF SUPERVISORS
BUDGET ANALYST

The firm of Angotti and Reilly, Inc. disagrees with the deficiencies cited by Mr. Sweeney and the Mission Youth Soccer League. Mr. James Reilly of Angotti and Reilly states that the soccer field was accepted by the DPW and the RPD on December 18, subject to mowing that was done on December 28. In response to the Budget Analyst inquiries, Mr. Reilly responded that, "We have tentatively agreed to do some additional maintenance work subject to DPW and the RPD agreeing to have us do it." Mr. Reilly further states that, "The field is not unsafe. We have built it as per the specifications. Our work was supervised by the City."

Current Project Status: On January 9, 1996 the firm of Angotti & Reilly, Inc. notified the DPW of the removal of the perimeter fence that had been installed to protect the soccer field during the construction and landscape maintenance period. Mr. Kevin Reilly of Angotti & Reilly, Inc. stated in a letter to the DPW that, "The fence...has not prevented neighbors, gang members and dog runners from entering the field," and that the fence has been vandalized "daily."

In response to the deficiencies cited by Mr. Sweeney of the RPD, the DPW and the RPD have reviewed the project. Mr. Brian Gatter of the DPW reports that based on a meeting held on January 11, 1996, DPW and RPD officials decided to take the following actions to resolve the dispute about the nature and extent of the problems with the soccer field:

- Staff of the DPW Bureau of Construction Management will survey the field to determine whether it meets the grading requirements specified in the project plans.
- Staff of the RPD will conduct soil probing tests to determine whether the subgrade condition of the soil meets the requirements specified in the project plans.

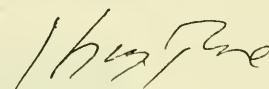
Mr. Gatter states that these activities are to be completed by or before Friday, January 19, 1996. Upon completion, DPW and RPD officials will meet to decide which of the following options to take regarding completion of the soccer field:

Option 1: The DPW and RPD could direct the contractor, Angotti & Reilly, Inc., to conduct various minor maintenance activities, such as sodding certain areas of the field, correcting some low grades, and mowing the field, at no further cost to the City (i.e., under the existing \$185,000 contract). The final Certificate of Completion for this project would not be issued until such minor work was completed.

Memo to Rules Committee
January 16, 1996 Rules Committee Meeting

Option 2: The DPW and the RPD could accept the contractor's work as is, and have staff of the RPD conduct more extensive remedial work on the field. Mr. Wong estimates informally that such remedial work would cost approximately \$50,000 in labor and materials. Mr. Wong states that this option would not imply that the contractor had failed to comply with the specifications. Rather, Mr. Wong states that this would involve taking a new approach to construction of the field.

Status of Certificate of Completion: Mr. Wong states that the information to be collected by the RPD and the DPW from the field survey and the soil probing tests would answer the question of whether or not the contractor has complied with all of the plans and specifications. Mr. Wong states that a Certificate of Completion will not be issued to Angotti & Reilly, Inc. until such a determination has been made.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Migden
Supervisor Teng
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

Excerpt from Specifications

SECTION 02990 LANDSCAPE MAINTENANCE

PART 1 GENERAL

1.01 SECTION INCLUDES

- A. Furnishing and implementing a complete landscape maintenance program. Maintain all planting areas from time of delivery, through the sixty (60) calendar days Plant Establishment Period and Final Acceptance, in accordance with SSDPWSF, Sections - 1008.04 and 1008.10. The Work includes but is not limited to:
1. The watering, cultivating, fertilizing, and weeding of all the areas in this contract.
 2. Contractor is to take all necessary measures to keep turf areas and plants pest and disease free and in thriving condition.
 3. Restoration of finish grades by replenishing planting areas with soil; Replacing eroded soil, or soil made sterile by herbicidal application, with approved amended topsoil taking precautions as necessary to prevent windburn damage.

1.02 RELATED SECTION

- A. Section 02950 - Lawn Hydroseeding

1.03 REFERENCES

- A. SSDPWSF - Section 1008 - Maintenance And Plant Establishment

1.04 SCHEDULE

- A. Submit a proposed maintenance work schedule to the Engineer in writing for review at least 30 calendar days prior to commencement of maintenance work. All maintenance work shall be done at times approved by the Engineer so as not to conflict with the operation of the project.

1.05 PROTECTION

- A. Protect planting areas against damage during the Plant Establishment Period.

- B. Maintenance also includes temporary fences, barriers, and signs as required for protection.
- B. The Contractor shall treat or replace any plantings which become damaged or injured, as directed by the Engineer at no additional cost to the City.

1.06 FERTILIZATION

- A. Including but not necessarily limited to the following applications:

1. All Lawn Areas: 16-6-8 fertilizer at the rate of 7 pounds per 1000 square feet, 30 days after installation.
2. Apply 16-6-8 fertilizer at 45 day intervals after the 30 day application until lawn areas become well established.

PART 2 PRODUCTS

Not used

PART 3 EXECUTION

3.01 FIELD QUALITY CONTROL

- A. Perform Site Observations for establishing the 60-day Maintenance Period and observing completion of the work of this Section through Final Acceptance. A minimum of three separate field visits, occurring chronologically as follows:
 1. Observation for Maintenance at Commencement,
 2. 30-day Progress Maintenance Observation,
 3. Observation for Final Acceptance.

- B. Observation for Maintenance Period Commencement: Request observation by Engineer after all plant material is installed and after all irrigation work and other work of this Section is completed. Maintenance Period shall begin upon observation and review by the Engineer and shall continue for a minimum of 60 calendar days until Final Acceptance.

3.02 PROGRESS MAINTENANCE OBSERVATIONS

- A. General: Notify the Engineer 30 days after commencement of Landscape Maintenance Period for a Progress Maintenance Observation. All items determined to be deficient during the previous observation shall be

completed prior to the meeting. Failure to do so may result in an extension of the Maintenance Period. In addition, prior to first Progress Maintenance Observation , furnish the Engineer with the following information:

1. All supplier invoices for the nursery stock, seed, commercial fertilizers, soil amendments, mulches and herbicides as shown and specified and as installed.
 2. Maintenance schedule for fertilization, and irrigation for all planting areas.
- B. Failure to provide the above submittals may result in the re-scheduling of the Progress Maintenance Observations and to extend the 60-Day Maintenance Period.
- C. Notify the Engineer in writing, prior to any of the Progress Maintenance Observations of any conditions which may impede proper plant establishment and/or growth.
- D. Final Maintenance Observation: Notify the Engineer 30 days after commencement of the Plant Establishment Period for Final Maintenance Observation. Prior to this observation, all items determined to be deficient during the Progress Maintenance Observations shall be completed and signed off by the Engineer.

3.03 FINAL ACCEPTANCE

- A. General: Work under this Section will be accepted by the Engineer upon satisfactory completion of all work of this Section, Section 02923, Landscape Grading, and Section 02950, Lawn Hydroseeding; and Section 02810, Automatic Irrigation System, including the sixty (60) calendar-day Maintenance Period.
- B. Termination of Observation: During the Final Acceptance Observation, any landscape item previously identified as deficient in the Progress Maintenance Observations and determined by the Engineer to be still

deficient, shall automatically terminate the Final Observation and result in the extension of the Maintenance Period an additional 30 days.
Additional costs associated with subsequent Observations that are required as a result of the Contractors failure to correct deficient items shall be paid by the Contractor. There shall be no conditional final acceptance agreement for any work.

END OF SECTION 02990

Mission Youth Soccer League (MYSL)

cc: Andrew L. Solow
647 Shotwell Street
San Francisco, CA 94110
voice(415)824-8114 fax(415)824-8115

December 28, 1995

City and County of San Francisco
Department of Recreation & Parks
McLaren Lodge Fell & Stanyan Streets
San Francisco, CA 94117
Attention: Phil Arnold, Sean Sweeney,
& Mike Morlin

Angotti & Reilly
325 Freemont Street
San Francisco, CA

Attention: Kevin Reilly

Subject: Dolores Park Soccer Field

Dear Mr. Arnold et al,

On Thursday, December 28, 1995 at 3:30 PM, The Mission Youth Soccer League inspected the Dolores Park Soccer Field. The following people were in attendance:

Federation International de Football (FIFA)

Fernando Alvarez, FIFA Assessor - (Mr. Alvarez is the second highest ranking FIFA official in the United States and has been intimately involved in both youth and professional soccer for over 40 years.

California Youth Soccer Association (CYSA)

Cary Jones, Commissioner - CYSA District I (San Francisco & San Mateo counties)

Mission Youth Soccer League (MYSL)

Juan J. Gonzalez, Vice-President
Andrew L. Solow, Secretary

SF Recreation & Parks Department

Sean Sweeney, Acting Assistant Superintendent of Parks
Luis Ensina, Assistant Recreation Director

The Offices of Supervisor Susan Leal

William Ambrun

MYSL to Arnold et al - 12/28/95
re: Dolores Park Soccer Field

Page 2

Attachment 2
Page 2 of 2

Dolores Park Soccer Field Inspection Report - 12/28/95

Subsequent to the physical inspection of the Dolores Park Soccer Field, Fernando Alvarez (FIFA), Cary Jones (CYSA), and Juan Gonzalez (MYSL) concurred on the following:

- 1) The Dolores Park Soccer Field is NOT in playable condition and is NOT safe for use by children, NOT even for practice.
- 2) Numerous sections of turf are uneven or missing entirely. The proximity of these unfoliated areas to areas covered by thick mature grass creates an irregular surface which is a tripping hazard, particularly for children.
- 3) There are several soft spots or water collection points in the field resulting from insufficient or improper drainage. There are also several small deep holes in the field.
- 4) Use of the Dolores Park soccer field at this time would severely damage the field exacerbating the existing problems and making the field much more difficult to repair.
- 5) The Dolores Park Soccer Field must be repaired before it is used.

As I previously indicated in my letter of December 21, 1995, it is not necessary to create a surface which is as smooth as the top of a pool table. However, in its current poor condition, the field constitutes a safety hazard and is unsafe for use by children.

The deficiencies in the Dolores Park Soccer Field identified herein must be repaired before we can allow youth covered by CYSA liability and medical insurance to use the field.

Thanks for your patience and consideration. Happy Holidays!

Andrew Lloyd Solow

Andrew L. Solow, Secretary - MYSL

City and County of San Francisco

Recreation and Park Department



MEMO

DATE: December 29, 1995
TO: Sherman Hom
 DPW Dept. of Engineering
FROM: Sean Sweeney
 Acting Asst. Superintendent of Parks & Squares
SUBJECT: MISSION DOLORES SOCCER FIELD INSPECTION AND WALK-THROUGH
 3:30 p.m., 12-28-95

Andy Solo (Secretary, Mission Youth Soccer League), Cary Jones (Commissioner/District 1, California Youth Soccer Association), Bill Ambrunn (Supervisor Leals' Office), Assessor Fernando Alvarez (Federation International de Football - FIFA), Juan Gonzalez, (Mission Youth Soccer Vice President), Louis Azucena (Assistant Recreation Director San Francisco Recreation and Parks Dept.), and Sean Sweeney (Acting Assistant Superintendent of Parks and Squares, San Francisco Recreation and Parks Department).

Assessor Fernando Alvarez says that the field is not in playable condition. He feels that if the field is used in its present condition it will become damaged and in worse shape. The main problems are that the turf is uneven, there are obvious drainage problems, there are numerous holes in the field without mature turf, and areas without any turf at all. Mr. Alvarez feels that the quick remedy would be to use sod to fill the seeded areas that are not to grade.

Mr. Alvarez feels that the size of the field is perfect -- no problem for under 16 year old soccer players. Consensus of the group is that the field is not far from being acceptable, but is not yet complete.

Observations:

1. There are numerous holes in the field surface.
2. There are drainage problems around sprinkler heads and in some random sections of the playing surface.
3. Uneven field toward NE quarter of field. Facing Mission High School from East end of field, there are undulations in the playing surface.
4. There are clumps of mature Rye turf next to newly-seeded areas which pose a tripping hazard.
5. There are some abrupt holes in the field; a few of the sprinkler heads are too high.
6. Field measured out at 260 feet. Andy Solo stated that it should be 270 feet.

The main concern of the group is that the field has to be fixed when it hasn't even been used yet.

c: Phil Arnold
 Joanne Wilson

0414N

Mike Morlin
 Dennis Neal

McLaren Lodge, Golden Gate Park
 Fell and Stanyan Streets

FAX: (415) 668-3330
 Information: (415) 666-7200
 TDD: (415) 666-7043

San Francisco 94117

City and County of San Francisco



MEMORIA

Post-It™ brand fax transmittal memo 7671		# of pages ►	1
To	EVE STERN BORG	From	DON MUNAKATA
Co.	BUDGET ANALYST	Co.	BOE
Dept.		Phone #	558-4517
Fax #	252-0461	Fax #	558-4519

TO: Eve Sternberg, Budget Analyst's Office

FROM: *JT* John Thomas, Acting Manager
Landscape Architecture Section

DATE: January 12, 1996

SUBJECT: Dolores Play Field

Per your request, the following actions are to be taken with respect to Sean Sweeney's memo of December 29, 1995. Mr. Sweeney's observations are shown in *italics*.

1. *There are numerous holes in the field surface.* Adjustments to the grades will be performed as required to fill minor depressions generally caused by dog activity.
 2. *There are drainage problems around sprinkler heads and in some random sections of the playing field.* A survey shall be conducted to determine if the field is sloped to drain in accordance with the contract documents. In addition, the soil shall be probed to determine if the soil amendments were thoroughly mixed to the proper depth. (It should be noted that on the day of the site inspection, in question, the field was saturated as a result of eight inches of recent rain fall).
 3. *Uneven field toward NE quarter of field.* The survey shall determine if the field in this area does not comply with the contract documents. Any unevenness will be corrected.
 4. *There are clumps of mature Rye turf next to newly-seeded areas which pose a tripping hazard.* The field shall be mown to even-out the turf.
 5. *There are some abrupt holes in the field; a few of the sprinkler heads are too high.* Any abrupt holes will be filled. The sprinkler heads will be adjusted down as required.
 6. *Field measured out at 260 feet. Andy Solo stated it should be 270 feet.* Previous surveys indicate the field is the correct dimension. The upcoming survey will verify.

db

cc: Don Munakata Sherman Hom
Nelson Wong Brian Gatter

SF
S90.84

CALENDAR

1

2/6/96

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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FEB 02 1996

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, FEBRUARY 6, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: ROSEMARY LITTLE-HORANZY

* * * * *

Disability Access



Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #5 Fulton, #21 Hayes, #42 Downtown Loop, #47 Van Ness and #49 City College lines and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 308 staff.

The following services are available on request 48 hours prior to the meeting or hearing:
For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

**RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO**

TUESDAY, FEBRUARY 6, 1996 - 10:00 A.M. VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: ROSEMARY LITTLE-HORANZY

REGULAR MEETING

1. File 92-96-4. [Appointment, Bay Area Library and Information System Advisory Board] Hearing to consider appointing member to the Bay Area Library and Information System Advisory Board, vice Donna Miller Casey (Seat No. 21301 - must represent public at large and underserved residents in system), term expired December 31, 1995, for a new two-year term ending December 31, 1997. (Clerk of the Board)

Applicants: James Chaffee
Margery K. Blum

ACTION:

2. File 92-94-27. [Appointments/Maternal, Child & Adolescent Health Board] Hearing to consider appointing members to the Maternal, Child and Adolescent Health Board, (Seat No. 22801 - must be nominee/Supervisor Kaufman); Toye Moses (Seat No. 22802 - must be nominee/Supervisor Kennedy/health professional); (Seat No. 22803 - must be nominee/Supervisor Ammiano); Seat No. 22804 - no requirement); Barbara Williamson (Seat No. 22805 - single parent); (Seat No. 22806 - must be parent); (Seat No. 22807 - must be parent); Linda White (Seat No. 22808 - must be health professional), (Seat No. 22809 - must be nominee/Supervisor Shelley); Harry Coren, M.D. (Seat No. 22810 - must be health professional); Charlene Clemens (Seat No. 22811 - must be health professional); Father James Goode (Seat No. 22812 - must be nominee/Supervisor Bierman); Judith Levine (Seat No. 22813 - must be nutritionist); Sari J. Wade (Seat No. 22815 - must be nominee/Supervisor Migden/representative of child development); (Seat No. 22816 - must be health professional); Anita P. DeFrantz, Ph.D. (Seat No. 22817 - must be nominee/Supervisor Teng); (Seat No. 22818 - must be parent); (Seat No. 22820 - must be nominee/Supervisor Alioto/parent); (Seat No. 22821 - must be educator); Saralie B. Pennington (Seat No. 22822 - must be social worker); (Seat No. 22823 - must be nominee/Supervisor Hallinan); vice Winchell W. Quock, M.D. (Seat No. 22824 - must be health professional provider), terms expired August 31, 1995, for new three-year terms ending August 31, 1998. (Clerk of the Board)

Applicants: Susan T. Obata, M.D.
Elena Fuentes-Afflick, MD. MPH
Harry Z. Coren, M.D.

ACTION:

3. File 121-96-3. [Newspaper Theft] Ordinance amending Police Code by adding Section 630 to prohibit the unauthorized removal of newspapers from newsracks, storefronts and residential properties. (Supervisor Shelley)

ACTION:

4. File 121-96-2. [Tour Bus Restrictions] Ordinance amending Police Code Section 1183.13 regarding tour bus restrictions on El Camino Del Mar and adding Section 1183.26 regarding tour bus restrictions on 25th Avenue. (Supervisor Shelley)

ACTION:

5. File 20-96-3. [Traffic Regulations, Geary/Park-Presidio] Resolution rescinding the "No Left Turn" restriction and establishing a "No Left Turn Except Buses" restriction for eastbound Geary Boulevard at Park-Presidio Boulevard. (Supervisor Shelley)

ACTION:

6. File 92-95-38. [Appointment, Drug Abuse Advisory Board] Hearing to consider appointing two members to the Drug Abuse Advisory Board, Mary Robinson (Seat No. 22108 – public-at-large), and Juan Oyarzun (Seat No. 22103 – public-at-large), terms expired October 1, 1995, for new three-year terms ending October 1, 1998. (Clerk of the Board)

Applicants: Edward Patterson
Otis D. Turner
Michele Maas
Wayne Grigsby
Sharon R. Jones
Jene Stephen Meyer
Shelley Wolf Dunnegan
Patricia Ann Dafoe
Frank A. Sclafani
Alan Robert Young
Mary Louise Adlo-Robinson
Juan Oyarzun

ACTION:

7. File 215-96-1. [Youth Commission] Hearing to consider the distribution of Youth Commission candidate applications and the time line for appointments in light of the Mayor's diversity appointments. (Supervisor Alioto)

ACTION:

8. File 193-96-1. [Mission Dolores Soccer Field] Hearing to consider the progress of the Mission Dolores soccer field. (Supervisor Leal)
(Continued from 1/16/96.)

ACTION:

**RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA. 94102**

**IMPORTANT
HEARING NOTICE**

Bill Lynch
Documents Section
SF Public Library-Main Branch
Civic Center
(41)

Attn: Kate Wingerson

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

February 2, 1996

TO: ☐ Rules Committee

FROM: ☐ Budget Analyst *Recommendation for mtg 2/6/96*

SUBJECT: February 6, 1996 Rules Committee Meeting

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SAN FRANCISCO
PUBLIC LIBRARY

Item 3 - File 121-96-3

Item: Ordinance amending Police Code by adding Section 630 to prohibit the unauthorized removal of newspapers from news racks, storefronts, and residential properties.

Description: The proposed ordinance would prohibit the unauthorized removal of newspapers from news racks, storefronts, and residential properties for the purpose of discouraging persons from selling the newspaper(s) for monetary gain.

The proposed ordinance would prohibit any person from removing or taking more than one copy of a newspaper from any news rack, bundle drop location, storefront, or residential property for (1) the purpose of selling the newspaper(s) to any recycler; and (2) the selling, trading, or bartering of a newspaper(s) to anyone for any payment.

The proposed ordinance would also (1) prevent a recycler from purchasing or obtaining through trade or barter a copy(ies) of any newspaper, from any person who has removed or taken such newspaper(s) before it reached its intended reading public; and (2) require any recycler or other person or entity purchasing newspapers in quantities of greater than 100 pounds per transaction to record the following information: the seller's name, address,

Memo to Rules Committee
February 6, 1996 Rules Committee Meeting

telephone number, valid driver's license number, automobile license plate number, amount of newspapers, and amount paid per transaction.

Additionally, the proposed ordinance would provide that the prohibition against the unauthorized removal of newspapers from news racks, storefronts, and residential properties would be enforced by the Police Department. The legislation states that any person violating any provision of this section of the ordinance shall be guilty of a misdemeanor. Upon first conviction, the violator shall be punished by a fine of not less than \$100 or more than \$500, and/or community service, for each provision violated. Any person violating any provision of this section a second time within a 90 day period shall be punished by a fine of not less than \$200 and not more than \$500; a third-time violator shall be fined no less than \$300 and not more than \$500. With each conviction a violator of the proposed ordinance can also be punished by imprisonment in the County Jail for a maximum period of six months, or subject to both a fine and imprisonment.

Comment: As of the writing of this report, Deputy Chief Rich Holder anticipates that the Police Department can enforce the proposed ordinance with existing staff and, therefore, does not anticipate any incremental cost increases to enforce the proposed ordinance.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Memo to Rules Committee
February 6, 1996 Rules Committee Meeting

Item 8 - File 193-96-1

Note: This item was continued by the Rules Committee at its meeting of January 16, 1996.

Item: This item is a hearing to consider the progress of the Mission Dolores soccer field.

Comments: **Overview:** The FY 1993-94 Open Space and Park Renovation Program included \$300,000 to develop a practice field for youth soccer at Mission Dolores Park. After a series of public meetings, in April of 1994 the Recreation and Park Commission selected a plan for the field, and authorized the Department of Public Works (DPW) to prepare specifications and bid documents, and proceed with selection of a contractor and construction of the soccer field. The dimensions of the soccer field are 190 feet by 270 feet (51,300 square feet). According to the construction contract, the project was scheduled for completion by July 31, 1995. As of the writing of this report, DPW had not yet formally accepted the project as complete. The DPW and Recreation and Parks Department (RPD) were engaged in negotiations with the contractor, Angotti and Reilly, to correct various problems with the condition of the turf. (See the section on Current Project Status below.)

Experience Requirements of Bidders: Mr. John Thomas of the DPW Bureau of Engineering advises that, because the soccer field project involved multiple trades, such as excavation, irrigation and landscaping, State law required that the general contractor have a Class A General Engineering Contractor's License. In addition, in accordance with State law, bidders were required to show that the firm doing the planting and irrigation work had a Class C-27 Landscaping Specialty License. In addition, the DPW required that the bidder have completed at least two automatic irrigation systems larger than 90,000 square feet in area within the past five years. The installer of the lawn hydroseeding was required to provide that, "only qualified and competent workmen with a minimum two years work experience of same hydroseeding installation shall work on the job." Hydroseeding is a process in which seeding is accomplished through spraying the field area.

However, Mr. Thomas reports that DPW did not require the bidders to have experience in the installation of athletic fields. Mr. Thomas states that DPW did not require evidence of such experience because the Mission Dolores

Park soccer field was not considered to be a complex project, requiring specialized experience.

Soil Testing and Landscape Maintenance Specifications:

Mr. Thomas states that the bid specifications required the contractor to obtain soil tests, and to amend (treat) the soil in accordance with any recommendations made by the testing laboratory. Soil amendment (treatment) involves enhancing the nutrient content of the soil.

According to Mr. Jim Delfino, Director of Turf Management at the RPD, the soil should be a consistent mix of clay and organic matter at least four to five inches deep throughout the soccer field in order for the field to be usable. According to Mr. Sherman Hom of the DPW, the bid specifications called for a six-inch deep soil mix.

The bid specifications also called for the contractor to comply with a 60-day landscape maintenance program to achieve "plant establishment" prior to final acceptance of the project. The section of the specifications pertaining to this landscape maintenance program, including descriptions of field quality control procedures and progress maintenance observations to be made by the DPW Engineer prior to final acceptance of the project is shown as Attachment No. 1 to this report.

Construction Contract Award: The contract for construction of the soccer practice field at Mission Dolores Park was awarded by the DPW to the firm of Angotti & Reilly, Inc. as a result of a competitive bidding process, on January 25, 1995. The DPW received two bids on the project. The firm of Angotti & Reilly, Inc. bid \$185,000, and the firm of Lemings Irrigation, Inc. bid \$173,826. Although Angotti & Reilly, Inc. is neither an MBE nor a WBE firm, it is a locally-owned business (LBE). The firm of Lemings Irrigation is neither an MBE, WBE nor an LBE. Because the Angotti & Reilly, Inc. bid was less than 10 percent higher than the low bidder (Lemings Irrigation, Inc.), Angotti & Reilly, Inc. was awarded the contract based on the LBE preference.

The construction contract was awarded according to the following breakdown of costs between the prime contractor, Angotti & Reilly, Inc. and the subcontractors to Angotti & Reilly, Inc.:

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<u>Firm</u>	<u>MBE/WBE</u>	<u>Type of Work</u>	<u>Contract Amount</u>
Angotti & Reilly, Inc.	LBE	General Contractor	\$52,600
Rosa's Construction	MBE	Excavation	30,500
Advanced Landscaping	None	Irrigation	66,900
Greenleaf Truck	WBE	Trucking	12,000
Cence Landscape	WBE	Hydroseed Maintenance	23,000
Total Construction Contract			\$185,000

DPW officials state that the contractor and subcontractors met the State licensing and experience requirements outlined above. However, as noted above, the firms were not required to have specific experience in the installation of athletic fields.

Project Budget: Ms. Joanne Wilson of the RPD reports that the current estimated total project costs, including the actual construction bid amount, are summarized as follows:

<u>Item</u>	<u>Amount</u>
Construction Contract	\$185,000
Construction Contingency (10%)	18,500
DPW Bureau of Engineering, preliminary planning, design and bid preparation. (613 hrs. @ \$45.52 per hour)	27,904
DPW Bureau of Construction Management. (638 hrs @ \$50.94 per hour)	32,500
Unassigned	6,096
Total Project Budget	\$270,000

Mr. Don Munakata of the DPW states that, as of the writing of this report, of the total contract amount of \$185,000, Angotti & Reilly, Inc. has been paid a total of \$166,963 by the DPW. A balance of \$18,037 of the \$185,000 construction contract has been encumbered by the DPW, but has not been paid by the City to Angotti & Reilly, Inc. According to Mr. Munakata, the DPW is negotiating with the contractor regarding those items not in compliance with the bid specifications (see below) and for liquidated damages (a fine against the contractor based on the number of days the project was behind schedule). As of the writing of this report, the amount of the fines to be paid by the contractor has not been determined. Mr. Munakata advises that the fine would not exceed the \$18,037 unpaid balance of the contract.

Mr. Munakata further reports that, as of the writing of this report, costs of \$32,507 had been incurred of the \$27,904

BOARD OF SUPERVISORS
BUDGET ANALYST

budgeted for the DPW Bureau of Engineering, or a cost overrun of \$4,603. In addition, as of the writing of this report, a total of \$36,144 has been incurred of the \$32,500 budgeted for the DPW Bureau of Construction Management, or a cost overrun of \$3,644. The additional \$8,247 (\$4,603 plus \$3,644) needed to cover the cost overruns incurred by the DPW would be paid from the unassigned portion of the original budget (\$6,096) and from the \$18,500 contingency (\$2,151).

Ms. Wilson states that the Open Space Fund has a balance of \$30,000 (the \$300,000 originally budgeted for the project less the \$270,000 currently budgeted) listed under this project. In addition, Mr. Munakata advises that, as of the writing of this report, \$16,349 of the construction contingency is unexpended (\$18,500 less \$2,151). A total of \$64,387 (\$30,000 plus \$16,349 plus the \$18,038 in potential fines against the contractor) is therefore potentially available for further work on this project, if additional City funds are required.

Construction Period: As previously stated, the original estimated completion date for this project was July 31, 1995. DPW could not provide a current estimate of the completion date because DPW reports that this depends upon the course of action that is selected by the DPW and the RPD, as discussed in the section on Current Project Status. Mr. Wallace Wong of the DPW's Bureau of Construction Management states that DPW staff monitored all phases of installation of the soccer field. Mr. Wong reports that the construction schedule fell behind initially by approximately two months because Angotti & Reilly, Inc. had to replace more of the topsoil than was anticipated and due to inclement weather. In addition, Mr. Wong reports that the first hydroseeding did not adequately germinate, so the hydroseeding process was repeated, causing further delays. Mr. Wong advises that such problems were exacerbated by trampling of the field by park users that has occurred despite the installation of a fence by Angotti and Reilly, Inc. Mr. Wong states that the landscape maintenance period has been extended two times in order to correct such deficiencies. As previously noted, the DPW is seeking liquidated damages against the contractor, not to exceed \$18,038, because of these delays.

Final Acceptance: According to Mr. Wong, on December 18, 1995 representatives of the DPW, RPD and Angotti and Reilly, Inc. participated in a Final Inspection of the soccer field. At that time, the DPW and RPD officials indicated

Memo to Rules Committee
February 6, 1996 Rules Committee Meeting

verbally to representatives of Angotti and Reilly, Inc. that the project would be accepted by the City as soon as a few minor items were corrected. However, Mr. Wong reports that the DPW did not finalize the paperwork to issue a Final Certificate of Completion because representatives from the Mission Youth Soccer League and other soccer officials wanted to inspect the soccer field on December 28, 1995. As of the writing of this report, the project has not been formally accepted as complete by the City. Mr. Wong presently states that a Certificate of Completion will not be issued until a DPW and RPD inspection confirms that the contractor has satisfactorily complied with the plans and specifications. (See the section on Current Project Status below.)

Inspection by Soccer League: On December 28, 1995 officials of the Mission Youth Soccer League (MYS), the Federation International de Football and the California Youth Soccer Association inspected the Mission Dolores Park soccer field. Mr. Sean Sweeney and Mr. Luis Ensina of the RPD, and a representative from the Office of Supervisor Leal attended the inspection. Also on December 28, 1995, the Secretary of the Mission Youth Soccer League submitted a letter to the RPD, the DPW, the contractor and Supervisor Leal listing problems with the field, and stating that, "The deficiencies in the Dolores Park Soccer Field identified herein must be repaired before we can allow youth covered by California Youth Soccer Association (CYSA) liability and medical insurance to use the field." A copy of this letter is shown as Attachment No. 2 to this report.

Mr. Sweeney, who had not represented the RPD in prior inspections of this project, states that the surface of the field is not uniform, and that the top layer of soil has very heavy organic content, which can result in an inadequate supply of nitrogen to support the turf. Mr. Sweeney further states that the turf is stressed in various places. A memo prepared by Mr. Sweeney outlining his analysis of the deficiencies of the soccer field is shown as Attachment 3 to this report. DPW officials concur, based on their independent soil testing, that the soil mix in the soccer field is not consistently six inches, as required by the bid specifications. A memo from Mr. Thomas of the DPW, responding to the deficiencies cited in Mr. Sweeney's memo, is shown as Attachment 4 to this report.

The firm of Angotti and Reilly, Inc. disagrees with the deficiencies cited by Mr. Sweeney and the Mission Youth Soccer League. Mr. James Reilly of Angotti and Reilly

states that the soccer field was accepted by the DPW and the RPD on December 18, subject to mowing that was done on December 28. In response to the Budget Analyst inquiries, Mr. Reilly responded that, "We have tentatively agreed to do some additional maintenance work subject to DPW and the RPD agreeing to have us do it." Mr. Reilly further states that, "The field is not unsafe. We have built it as per the specifications. Our work was supervised by the City."

Current Project Status: On January 24, 1996, the RPD and the DPW met to determine a course of action in regard to the Mission Dolores soccer field. According to Mr. Munakata, at this meeting, the RPD and the DPW agreed that three conditions must be corrected before the soccer field can be used: (1) create an even slope (three degrees) throughout the field to provide adequate drainage; (2) create an even mix of organic and clay matter six inches deep throughout the field; and (3) ensure that the grass is adequately established to avoid holes. The RPD and the DPW concur that the most effective means to accomplish these ends will be to rototill (churn the soil with an electric blade) and lay sod. (The RPD prefers to lay sod instead of hydroseeding because laying sod would make the field usable more quickly, since hydroseeding involves growing grass from seeds, while sodding involves laying a carpet of grass, according to Mr. Hom.)

However, the Mission Youth Soccer League proposed an alternate seeding process. Representatives of the soccer community, RPD, and DPW met on February 1, 1996, to discuss the alternatives. It was agreed at that meeting that additional information is needed before a consensus on the appropriate alternative can be reached.

The cost of rototilling and reseeding or sodding the soccer field would be supported by the \$64,387 in available funds, as shown in the Project Budget section, above. Mr. Munakata advises that no new estimated completion date for the Mission Dolores soccer field has been established.

Status of Certificate of Completion: According to Mr. Munakata, the DPW has determined that the contractor has not fully complied with the bid specifications, as follows:

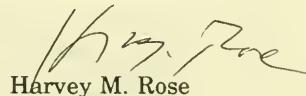
1. the irrigation system is incomplete; and
2. the northeast corner of the field is not graded in accordance with the contract documents to provide

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
February 6, 1996 Rules Committee Meeting

adequate drainage (the remainder of the field is adequately graded).

The DPW will not issue a Certificate of Completion until appropriate resolution for these items are determined, not to exceed \$18,038, as noted above.



Harvey M. Rose

cc:	President Shelley	Supervisor Teng
	Supervisor Leal	Supervisor Yaki
	Supervisor Ammiano	Clerk of the Board
	Supervisor Alioto	Chief Administrative Officer
	Supervisor Bierman	Controller
	Supervisor Hsieh	Sam Yockey
	Supervisor Kaufman	Paul Horcher
	Supervisor Kennedy	Ted Lakey
	Supervisor Migden	

Excerpt from Specifications

SECTION 02990 LANDSCAPE MAINTENANCE

PART 1 GENERAL

1.01 SECTION INCLUDES

- A. Furnishing and implementing a complete landscape maintenance program. Maintain all planting areas from time of delivery, through the sixty (60) calendar days Plant Establishment Period and Final Acceptance, in accordance with SSDPWSF, Sections - 1008.04 and 1008.10. The Work includes but is not limited to:
1. The watering, cultivating, fertilizing, and weeding of all the areas in this contract.
 2. Contractor is to take all necessary measures to keep turf areas and plants pest and disease free and in thriving condition.
 3. Restoration of finish grades by replenishing planting areas with soil; replacing eroded soil, or soil made sterile by herbicidal application, with approved amended topsoil taking precautions as necessary to prevent windburn damage.

1.02 RELATED SECTION

- A. Section 02950 - Lawn Hydroseeding

1.03 REFERENCES

- A. SSDPWSF - Section 1008 - Maintenance And Plant Establishment

1.04 SCHEDULE

- A. Submit a proposed maintenance work schedule to the Engineer in writing for review at least 30 calendar days prior to commencement of maintenance work. All maintenance work shall be done at times approved by the Engineer so as not to conflict with the operation of the project.

1.05 PROTECTION

- A. Protect planting areas against damage during the Plant Establishment Period.

- B. Maintenance also includes temporary fences, barriers, and signs as required for protection.
- B. The Contractor shall treat or replace any plantings which become damaged or injured, as directed by the Engineer at no additional cost to the City.

1.06 FERTILIZATION

- A. Including but not necessarily limited to the following applications:
 1. All Lawn Areas: 16-6-8 fertilizer at the rate of 7 pounds per 1000 square feet, 30 days after installation.
 2. Apply 16-6-8 fertilizer at 45 day intervals after the 30 day application until lawn areas become well established.

PART 2 PRODUCTS

Not used

PART 3 EXECUTION

3.01 FIELD QUALITY CONTROL

- A. Perform Site Observations for establishing the 60-day Maintenance Period and observing completion of the work of this Section through Final Acceptance. A minimum of three separate field visits, occurring chronologically as follows:
 1. Observation for Maintenance at Commencement,
 2. 30-day Progress Maintenance Observation,
 3. Observation for Final Acceptance.
- B. Observation for Maintenance Period Commencement: Request observation by Engineer after all plant material is installed and after all irrigation work and other work of this Section is completed. Maintenance Period shall begin upon observation and review by the Engineer and shall continue for a minimum of 60 calendar days until Final Acceptance.

3.02 PROGRESS MAINTENANCE OBSERVATIONS

- A. General: Notify the Engineer 30 days after commencement of Landscape Maintenance Period for a Progress Maintenance Observation. All items determined to be deficient during the previous observation shall be

completed prior to the meeting. Failure to do so may result in an extension of the Maintenance Period. In addition, prior to first Progress Maintenance Observation , furnish the Engineer with the following information:

1. All supplier invoices for the nursery stock, seed, commercial fertilizers, soil amendments, mulches and herbicides as shown and specified and as installed.
 2. Maintenance schedule for fertilization, and irrigation for all planting areas.
- B. Failure to provide the above submittals may result in the re-scheduling of the Progress Maintenance Observations and to extend the 60-Day Maintenance Period.
- C. Notify the Engineer in writing, prior to any of the Progress Maintenance Observations of any conditions which may impede proper plant establishment and/or growth.
- D. Final Maintenance Observation: Notify the Engineer 30 days after commencement of the Plant Establishment Period for Final Maintenance Observation. Prior to this observation, all items determined to be deficient during the Progress Maintenance Observations shall be completed and signed off by the Engineer.

3.03 FINAL ACCEPTANCE

- * A. General: Work under this Section will be accepted by the Engineer upon satisfactory completion of all work of this Section, Section 02923, Landscape Grading, and Section 02950, Lawn Hydroseeding; and Section 02810, Automatic Irrigation System, including the sixty (60) calendar-day Maintenance Period.
- B. Termination of Observation: During the Final Acceptance Observation, any landscape item previously identified as deficient in the Progress Maintenance Observations and determined by the Engineer to be still

deficient, shall automatically terminate the Final Observation and result in the extension of the Maintenance Period an additional 30 days.
Additional costs associated with subsequent Observations that are required as a result of the Contractors failure to correct deficient items shall be paid by the Contractor. There shall be no conditional final acceptance agreement for any work.

END OF SECTION 02990

Mission Youth Soccer League (MYSOL)

c/o: Andrew L. Solow

647. Shotwell Street

San Francisco, CA 94110

voice(415)824-8114 fax(415)824-8115

December 28, 1995

City and County of San Francisco
Department of Recreation & Parks
McLaren Lodge, Fell & Stanyan Streets
San Francisco, CA 94117
Attention: Phil Arnold, Sean Sweeney,
& Mike Morlin

Angotti & Reilly
325 Fremont Street
San Francisco, CA

Attention: Kevin Reilly

Subject: Dolores Park Soccer Field

Dear Mr. Arnold et al,

On Thursday, December 28, 1995 at 3:30 PM, The Mission Youth Soccer League inspected the Dolores Park Soccer Field. The following people were in attendance:

Federation International de Football (FIFA)

Fernando Alvarez, FIFA Assessor - (Mr. Alvarez is the second highest ranking FIFA official in the United States and has been intimately involved in both youth and professional soccer for over 40 years.

California Youth Soccer Association (CYSA)

Cary Jones, Commissioner - CYSA District I (San Francisco & San Mateo counties)

Mission Youth Soccer League (MYSOL)

Juan J. Gonzalez, Vice-President
Andrew L. Solow, Secretary

SF Recreation & Parks Department

Sean Sweeney, Acting Assistant Superintendent of Parks
Luis Ensina, Assistant Recreation Director

The Offices of Supervisor Susan Leal

William Ambrun

City and County of San Francisco

Bureau of Engineering

1650 Mission Street 2nd Floor

San Francisco, CA 94103

Attention: Sherman Hom & Brian Gatter

Honorable Supervisor Susan Leal

Interim City Hall

401 Van Ness Avenue

San Francisco, CA 94102

Attention: Gabriela Espinosa

MYSL to Arnold et al - 12/28/95
to: Dolores Park Soccer Field

Page 2

Attachment 2
Page 2 of 2Dolores Park Soccer Field Inspection Report - 12/28/95

Subsequent to the physical inspection of the Dolores Park Soccer Field, Fernando Alvarez (FIFA), Cary Jones (CYSA), and Juan Gonzalez (MYSL) concurred on the following:

- 1) The Dolores Park Soccer Field is NOT in playable condition and is NOT safe for use by children, NOT even for practice.
- 2) Numerous sections of turf are uneven or missing entirely. The proximity of these unfertilized areas to areas covered by thick mature grass creates an irregular surface which is a tripping hazard, particularly for children.
- 3) There are several soft spots or water collection points in the field resulting from insufficient or improper drainage. There are also several small deep holes in the field.
- 4) Use of the Dolores Park soccer field at this time would severely damage the field exacerbating the existing problems and making the field much more difficult to repair.
- 5) The Dolores Park Soccer Field must be repaired before it is used.

As I previously indicated in my letter of December 21, 1995, it is not necessary to create a surface which is as smooth as the top of a pool table. However, in its current poor condition, the field constitutes a safety hazard and is unsafe for use by children.

The deficiencies in the Dolores Park Soccer Field identified herein must be repaired before we can allow youth covered by CYSA liability and medical insurance to use the field.

Thanks for your patience and consideration. Happy Holidays!

Andrew Lloyd Solow

Andrew L. Solow, Secretary - MYSL



MEMO

DATE: December 29, 1995
TO: Sherman Hom
DPW Dept. of Engineering
FROM: Sean Sweeney
Acting Asst. Superintendent of Parks & Squares
SUBJECT: MISSION DOLORES SOCCER FIELD INSPECTION AND WALK-THROUGH
3:30 p.m., 12-28-95

Andy Solo (Secretary, Mission Youth Soccer League), Cary Jones (Commissioner/District 1, California Youth Soccer Association), Bill Ambrun (Supervisor Leais' Office), Assessor Fernando Alvarez (Federation International de Football - FIFA), Juan Gonzalez, (Mission Youth Soccer Vice President), Louis Azucena (Assistant Recreation Director San Francisco Recreation and Parks Dept.), and Sean Sweeney (Acting Assistant Superintendent of Parks and Squares, San Francisco Recreation and Parks Department).

Assessor Fernando Alvarez says that the field is not in playable condition. He feels that if the field is used in its present condition it will become damaged and in worse shape. The main problems are that the turf is uneven, there are obvious drainage problems, there are numerous holes in the field without mature turf, and areas without any turf at all. Mr. Alvarez feels that the quick remedy would be to use sod to fill the seeded areas that are not to grade.

Mr. Alvarez feels that the size of the field is perfect -- no problem for under 16 year old soccer players. Consensus of the group is that the field is not far from being acceptable, but is not yet complete.

Observations:

1. There are numerous holes in the field surface.
2. There are drainage problems around sprinkler heads and in some random sections of the playing surface.
3. Uneven field toward NE quarter of field. Facing Mission High School from East end of field, there are undulations in the playing surface.
4. There are clumps of mature Rye turf next to newly-seeded areas which pose a tripping hazard.
5. There are some abrupt holes in the field; a few of the sprinkler heads are too high.
6. Field measured out at 260 feet. Andy Solo stated that it should be 270 feet.

The main concern of the group is that the field has to be fixed when it hasn't even been used yet.

c: Phil Arnold
Joanne Wilson

0414N

Mike Morlin
Dennis Neal

McLaren Lodge, Golden Gate Park
Folsom and Stanyan Streets

FAX: (415) 668-3330
Information: (415) 666-7200
TDD: (415) 668-7043

San Francisco 94117

City and County of San Francisco



MEMORANDUM

Attachment 4

P. 1/1

Post-It® brand fax transmittal memo 7071		# of pages >	1
To:	LIVE STERN BORG	From:	DON MUNAKATA
Co:	BUDGET ANALYST	Co:	BOE
Dept:		Phone #:	558-4517
Fax #:	252-0461	Fax #:	558-4519

TO: Eve Sternberg, Budget Analyst's Office

FROM: *JT* John Thomas, Acting Manager
Landscape Architecture Section

DATE: January 12, 1996

SUBJECT: Dolores Play Field

Per your request, the following actions are to be taken with respect to Sean Sweeney's memo of December 29, 1995. Mr. Sweeney's observations are shown in italics.

1. There are numerous holes in the field surface. Adjustments to the grades will be performed as required to fill minor depressions generally caused by dog activity.
 2. There are drainage problems around sprinkler heads and in some random sections of the playing field. A survey shall be conducted to determine if the field is sloped to drain in accordance with the contract documents. In addition, the soil shall be probed to determine if the soil amendments were thoroughly mixed to the proper depth. (It should be noted that on the day of the site inspection, in question, the field was saturated as a result of eight inches of recent rain fall).
 3. Uneven field toward NE quarter of field. The survey shall determine if the field in this area does not comply with the contract documents. Any unevenness will be corrected.
 4. There are clumps of mature Rye turf next to newly-seeded areas which pose a tripping hazard. The field shall be mown to even-out the turf.
 5. There are some abrupt holes in the field; a few of the sprinkler heads are too high. Any abrupt holes will be filled. The sprinkler heads will be adjusted down as required.
 6. Field measured out at 260 feet. Andy Solo stated it should be 270 feet. Previous surveys indicate the field is the correct dimension. The upcoming survey will verify.

db

cc: Don Munakata Sherman Hom
Nelson Wong Brian Gatter

S90.84

CALENDAR

JOINT RULES/BUDGET COMMITTEE

#1

2/17/96

Joint

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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JOINT MEETING

WEDNESDAY, FEBRUARY 7, 1996 - 10:00 A.M.

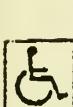
VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: ROSEMARY LITTLE-HORANZY

* * * * *

Disability Access



Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #5 Fulton, #21 Hayes, #42 Downtown Loop, #47 Van Ness and #49 City College lines and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



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The following services are available on request 48 hours prior to the meeting or hearing: For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

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JOINT RULES/BUDGET COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

FEBRUARY 7, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: SUPERVISORS SHELLEY, HSIEH, LEAL, KAUFMAN, AMMIANO,
BIERMAN

CLERK: ROSEMARY LITTLE-HORANZY

JOINT MEETING

1. File 223-94-4. [Quarterly Report on Status of 9-1-1 System] Hearing to consider the quarterly reports from all affected agencies regarding the status of the 9-1-1 Emergency Response System. (Supervisor Shelley)

ACTION:

2. File 207-96-1. [Interim Police 911 System] Hearing to consider report by the Police Department and the Controller on the status of an interim replacement of the Police Computer Assisted Dispatch (CAD)/911 system. (Supervisor Shelley)

ACTION:

3. File 216-95-1. [Final Negative Declaration, 1003 Turk Street] Resolution adopting Final Negative Declaration, finding and determining that the new 911 Emergency Dispatch Center for the property located at 1003 Turk Street in the Margaret S. Hayward Playground, Assessor's Block 759, Lot 1, will have no significant impact on the environment, and adopting and incorporating findings of Final Negative Declaration. (Real Estate Department) (COMPANION TO THE FOLLOWING FILE)

ACTION:

4. File 216-95-1.1. [Emergency Communications Center, 1003 Turk Street] Substitute ordinance selecting and setting aside certain real property at 1003 Turk Street in the Margaret S. Hayward Playground, Assessor's Block 759, Lot 1, for the construction and operation of a new Combined Emergency Communications Center; adopting findings that such project is in conformity with the Master Plan and consistent with the eight priority policies of City Planning Code Section 101.1; and adopting and incorporating findings pursuant to the California Environmental Quality Act. (Supervisors Shelley, Hsieh)

ACTION:

5. File 101-94-86. [Appropriation, Fire Department] Ordinance appropriating \$600,000, Fire Department, of 1992 Fire Protection Bond proceeds for Capital Improvement Project (design of new 911 Dispatch Center) for fiscal year 1994-95; subject of previous budgetary denial. (Budget Committee)

ACTION:

6. File 101-95-44. [Appropriation, Chief Administrative Officer] Ordinance appropriating \$1,600,000, Chief Administrative Officer, of 911 Project Funds for the purpose of mobile computing terminals (provide local match for Cops More grant). (Supervisor Shelley)

ACTION:

7. File 143-95-7. [Federal Grant, "COPS MORE" Program] Resolution authorizing the Chief of Police of the City and County of San Francisco to retroactively accept and expend funds in the amount of two million seven hundred eighteen thousand seven hundred dollars (\$2,718,700) for a project known as the "Equipment and Technology Component" of the "Cops More Program" and agreeing to provide a cash match in the amount of one million six hundred six thousand seven hundred eleven dollars (\$1,606,711).

(Supervisor Shelley) (COMPANION TO FILE 170-95-14)

ACTION:

8. File 170-95-14. [911 Lease Revenue Bonds] Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future indebtedness; and authorizing the Chief Administrative Officer to develop a plan of finance. (Chief Administrative Officer) (COMPANION TO FILE 143-95-7)

ACTION:

9. File 97-96-2. [911 Emergency Response Fund Interest] Ordinance amending Administrative Code Section 10.204 to require, retroactive to September 1, 1994, that interest earned from the 911 Emergency Response fund be retained in the fund to be expended only for the purposes for which the fund to be expended only for the purposes for which the fund was established. (Supervisor Shelley)

ACTION:

JOINT RULES/BUDGET COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA. 94102

**IMPORTANT
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Bill Lynch
Documents Section
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#3

2/7/96

Joint

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS
BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

February 2, 1996

DOCUMENTS DEPT.

TO: Joint Rules/Budget Committee

FEB 05 1996

FROM: Budget Analyst Recom - e - dat - ion - for - v - i - l - y - at -
SAN FRANCISCO

SUBJECT: February 7, 1996 Joint Rules/Budget Committee Meeting

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Item 1 - File 223-94-4

Note: This item was continued at the October 31, 1995, special meeting of the Rules Committee.

1. This item is a hearing to consider the quarterly reports from all affected agencies regarding the status of the 911 Emergency Response System.

2. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. PSAP operators (call evaluators), receiving 911 bona-fide emergency calls, transfer such calls to Police Dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems and the service delivery units of the Police Department, the Fire Department, and the Health Department. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching Police units in response to 911 calls
- Receiving Police non-emergency calls via 553-0123

Memo to Rules/Budget Committee
February 7, 1996 Joint Rules/Budget Committee Meeting

- Evaluating 553-0123 calls
- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching Police units in response to 553-0123 calls
- Recording 911 emergency calls and Police radio communications

3. The Board of Supervisors approved six resolutions concerning the 911 Emergency Response System in February of 1993, as shown below. The Police Department has previously reported on the status of the Department's responses to the six resolutions. The six resolutions previously approved by the Board of Supervisors are as follows:

- (a) File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center.
- (b) File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- (c) File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.
- (d) File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- (e) File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- (f) File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

The issue of staffing was addressed in the Department's Quarterly Report of January 26, 1996, (see Attachment) along with issues concerning the Secondary PSAP, Health and Safety, Long-term Projects, the Civilian Director position, and the Interim Computer Assisted Dispatch (CAD) system.

4. The staffing profile for the 137 permanent, authorized Communications Dispatcher (Classification No. 8238) positions in the Police Department's FY 1995-96 budget, as of Friday, January 26, 1996, as compared with the profile of the 137 positions on October 27, 1995, the time of the last quarterly report, is shown on the following page. This data was provided by Captain Thomas Donohoe, Commander of the Communications Division of the Police Department. The number of fully trained Communications Dispatchers has decreased by one, or from 101 to 100, between the October 1995 report and the January 26, 1996, report. The "Total Employees in Authorized Positions Who are Not on the Job and Vacancies" has decreased by two positions, from 21 to 19, over the same time period.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules/Budget Committee
 February 7, 1996 Joint Rules/Budget Committee Meeting

<u>Status</u>	<u>Staffing Pattern</u>	
	October 27, 1995	January 26, 1996
	Number of Positions	Number of Positions
Communications Dispatchers Actually on the Job		
Fully trained	101	100
Phone trained (perform call evaluations but do not as yet dispatch Police units)	3	3
On-the-Job Training — phone evaluators	9	8
On-the-Job Training — radios	0	4
Field Operations Bureau	<u>1</u>	<u>1</u>
Subtotal - Performing Communications Dispatcher tasks or in training)	114	116
Custodian of Records	1	1
Facility Coordinator	<u>1</u>	<u>1</u>
Subtotal - Performing Communications Dispatcher Support Functions	<u>2</u>	<u>2</u>
Total Employees Actually on the Job	116	118
Employees in Authorized Positions Who are Not on the Job and Vacant Positions		
Sick Leave	9	10
Workers Compensation	<u>6</u>	<u>7</u>
Subtotal - Employees in Authorized Positions Who are not On the Job	15	17
Unfilled requisitions (Vacant Positions)	<u>6</u>	<u>2</u>
Total Employees in Authorized Positions Who are Not on the Job and Vacancies	<u>21</u>	<u>19</u>
Total Authorized Positions	137	137

5. The Police Department requested an additional five new permanent Communications Dispatcher positions in its FY 1995-96 budget request, which would have brought the total number of authorized Communications Dispatcher positions to 140. Two of those requested five new positions were approved by the Mayor, resulting in a total of 137 authorized positions. Captain Donohoe advised the Budget Analyst that the remaining three new positions, which were previously disapproved by the Mayor, are needed for the Communications Center to adequately perform its operational mission. As noted above, presently, only 118 of the authorized 137 Communications Dispatcher positions are available for work.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules/Budget Committee
February 7, 1996 Joint Rules/Budget Committee Meeting

at this time, leaving 19 positions (approximately 13.9 percent) not available for Communications Dispatcher duties. Captain Donohoe has advised the Budget Analyst that the Police Department will be requesting these three additional Communications Dispatcher positions in its FY 1996-97 budget.

6. The top management position in the FY 1995-96 Police Department budget for the Communications Center is a classified as a 9205 Airport Communication Coordinator, with an annual salary of \$68,408 at the top step. However, the top management position is currently filled by a Police Captain, at an annual salary of \$79,240, excluding mandatory fringe benefits. As cited in the Attachment to this report, the new permanent classification of 8245 - Communications Manager has been agreed to by the Police Department and the Department of Human Resources. The annual salary at the top step for that position is \$82,711.

7. Captain Donohoe reports that he and Chief Lau will be available at the Joint Rules/Budget Committee meeting of February 7, 1996.

JAN 29 '96 06:31PM AT&T FAX 9015FF

P.5

Memorandum

San Francisco Police Department



ROUTING SHEET

To: Fred H. Lau
Chief of Police

From: Captain Thomas Donohoe
Communications Division

Date: January 26, 1996

Subject: Weekly Staffing Report-Communications

There have been three changes to dispatch staffing since the last report of January 19, 1996. One dispatcher went on sick leave. One dispatcher completed training and was released. One dispatcher in phone training resigned.

Fully trained dispatchers	100
OJT Phones	8
Phone trained	3
OJT-Radio training	4
Custodian of Records	1
Facility Coordinator	1
Detailed FOB	1
Sick Leave	10
Workers Compensation	<u>7</u>
Total	135
Budgeted positions	137

One dispatcher funded by CAO - not included in above total.

9-1-1
QUARTERLY REPORT
February 1996

STAFFING/TRAINING:

There are currently fifteen (15) dispatchers in training in the division.

The advanced supervisory course was completed in January 1996. All supervisors attended this class, except for those on leaves.

SECONDARY PSAP:

Meetings are continuing with the Paramedic Division of the Department of Public Health to complete this item. Last month, a meeting to discuss technical aspects of the move was held. The telecommunications personnel from DET and personnel from the telephone company attended. There will be a member from the DPH Paramedic Division in attendance to answer any questions you may have.

HEALTH & SAFETY ISSUES:

A method to enable the dispatchers to move their terminals up/down and back and forth has been explored. The Department will order this important modification after testing has been completed. New ergonomically correct chairs are being evaluated by the dispatchers in the room. New one will be ordered when the evaluations are complete.

LONG TERM PROJECTS:

800MHZ Radio: A representative from DET will address this issue.

CAD/RMS Project and Combined Dispatch Center: The project manager or his representative will be available to address these issues.

CIVILIAN DIRECTOR POSITION:

A new permanent classification, 8245-Communications Manager, SFPD, has been agreed to by the Police Department and the Department of Human Resources. An announcement for the permanent position is being prepared and will soon be issued.

INTERIM CAD:

Operational and technical specifications have been prepared to present to the vendor. The vendor will meet with the Project Steering Committee to clarify these specifications and after a cost estimate is provided the vendor will be selected and a contract will be prepared.

Resumes have been accepted to hire a Project Manager. This will be a temporary position and the person selected will oversee the implementation of the new system.

Members from the Committee will be present at the meeting to provide further information if requested.

Memo to Joint Rules/Budget Committee
February 7, 1996 Joint Rules/Budget Committee Meeting

Item 2 - File 207-96-1

Department: Police Department

Item: Hearing to consider a report by the Police Department and the Controller on the status of an interim replacement of the Police Computer Aided Dispatch (CAD) / 911 system.

Description: The City and County of San Francisco is planning the consolidation of its emergency services communications functions within the Police, Fire, Department of Public Health Paramedic Division, Parking and Traffic, and the Mayor's Office of Emergency Services, into a Combined Emergency Communications Center (CECC), scheduled to be completed by 1999. The CECC will house the 911 emergency call-taking activities, and the combined dispatch of Police, Fire, Emergency Medical, and Traffic Control operations.

The San Francisco Police Department's Communications Control Center is currently designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. The 911 system operates using a Computer Aided Dispatch (CAD) system, which has experienced a wide range of technical difficulties, including hardware and software failures, in recent years. In July, 1995 the Hall of Justice Data Center was consolidated with the main City data center at 1 Market Plaza in order to provide a more reliable operating environment for the CAD application. According to the Police Department, following the consolidation, there were a variety of computer problems, including poor response time. Ms. Judy Johnston, Director of the Controller's Information Services Division (ISD) reports that ISD upgraded a portion of the software in the CAD system in response to difficulties reported by 911 dispatchers. Ms. Johnston reports that these upgrades alleviated the delays experienced by the 911 dispatchers, however, other problems remain and must still be resolved.

Despite these upgrades by ISD, Ms. Johnston and Captain Tom Donohoe of the Communications Division of the Police Department state that the current CAD system is obsolete and vulnerable to frequent breakdowns. The CAD system acquired by the Department was installed in the early 1980s using 1970s technology. The system was a proprietary product of the Tiburon Company. Therefore, under the terms of the acquisition, the Tiburon Company retained sole rights to provide software support and maintenance services to the City for the CAD portion of the 911 system. According to Ms. Johnston, there is currently only one engineer at Tiburon

Memo to Joint Rules/Budget Committee
February 7, 1996 Joint Rules/Budget Committee Meeting

who is able to provide technical support for this system, and that failure to replace the CAD system prior to 1999 (the date anticipated for completion of the new CECC) could pose considerable risk to public safety.

On December 20, 1995 the Chief of Police issued a Declaration of Emergency under Administrative Code Section 21.25 for the procurement of an interim CAD system because the health and safety of Police Officers and the public were threatened due to repeated failures of the system and the inability by the City to ensure reliable operation of the system. Under Administrative Code Section 21.25, the procurement of such a system may be executed "in the most expeditious manner". Therefore, the procurement for an interim CAD system can be completed without formal competitive bidding or an issuance of a Request for Proposal (RFP).

Pursuant to Section 21.25, SFPD and ISD are proposing to use expedited procedures to select a vendor with a proven track record and a reliable product, and submit technical and functional specifications to that vendor. Members of the Communications Division have conducted site visits to other 911 jurisdictions to review the features and performance of other CAD systems. ISD is preparing a list of technical specifications, which will be combined with functional specifications provided by the Communications Division. These specifications will be submitted to a potential vendor, who will then be asked to respond with a cost estimate, and project work plan.

According to Captain Heather Fong of the Planning Division of the Police Department, the final draft of the technical and operational specifications should be completed by the first week in February, and subsequently submitted to potential vendors.

Budget:

Ms. Johnston advises that installation of the new interim CAD system should be completed by the end of calendar year 1996. The Police Department plans to request a supplemental appropriation during this fiscal year for the entire cost of the system because full funding must be available before the contract can be executed.

The Controller states that he may have further information on the cost of the system and the amount of the pending supplemental appropriation at the time this hearing is held.

Comments:

1. Ms. Johnston reports that the interim CAD system is intended to be a stand-alone system, and is not intended to be part of the CECC. According to Ms. Johnston, due to the emergency nature of this procurement, it would not be feasible to require that an interim CAD system also be usable at the CECC. Ms. Johnston notes that the interim CAD system will be based on proven, existing technology, modified to meet the current needs of the 911 system. The new CECC, by contrast, will use technology specifically developed to meet the more complex needs of a Combined Emergency Communications Center, according to Ms. Johnston.
2. As part of this project, the Police Department intends to hire a Technical Project Manager to oversee the implementation of the new interim CAD system. According to Captain Fong, this position will be temporary for a nine to twelve month period. Captain Fong estimates that the cost for this position will be approximately \$75,000 to \$100,000, and will vary based on the length of employment and the employee's technical qualifications. Captain Fong reports that the deadline for receiving resumes for the Technical Project Manager was January 26, 1996. According to Captain Fong, a five person review committee consisting of members of the Police and Fire Departments and ISD will review the qualifications of each candidate and conduct interviews of each potential candidate. The Police Department expects to hire the Technical Project Manager by no later than mid-March, 1996, according to Captain Fong. This position will not replace the support services provided by the Tiburon Company while the old CAD system continues to operate. The services of Tiburon will no longer be required when the new CAD system is installed and operating. As previously stated, installation of the new interim CAD system should be completed by the end of calendar year 1996.
3. The Attached memo, prepared by Mr. Steve Lutes of the Police Department, describes the current status of the CAD system and the problems connected with the system that have been documented by the Department.

Attachment

Memorandum

San Francisco Police Department



APPROVED YES NO

TO : Captain Heather Fong
Planning Division

FROM : Steve Lutes *S. Lutes*

DATE : Thursday, February 1, 1996

SUBJECT : Review of problems affecting SFPD CAD system and current status

SITUATION

Performance of the CAD system has been a matter of concern at least since 1992. Between 11/10/95 and 11/29/95 system performance was so poor that it was repeatedly necessary to resort to manual call-taking and dispatch procedures. ISD and SFPD, with assistance from several consulting firms, were able to stabilize the system somewhat after December 8, but serious problems remain and it is the consensus technical opinion that the recent improvements are very temporary and uncertain and that the remaining problems cannot be addressed because of the CAD system's aging technology.

DESCRIPTION OF PROBLEMS

The following problems have been observed and documented:

- System-wide "crashes" (much improved at present, up to 6 per day, max. four hours single event duration prior to December 8),
- One or more terminal freezes during routine and critical events (less frequent now, before up to 30 per day, single event duration lasting up to 30 minutes),
- Inability to perform routine tasks such as putting units on runs because of freezes or non-responsiveness of terminals (still a problem),
- Inability to ascertain unit availability or status because of terminal non-responsiveness (still a problem),
- Inability to run record checks on persons or vehicles because of system/terminal unresponsiveness (still occurs),
- Inability to obtain or assign event numbers (still occurs),
- Inability to obtain or assign case numbers (still occurs),
- Slow responses to query and screen navigation functions (still occurs, e.g., up to 2 minute delays in turning "pages" to track how events are unfolding),
- Junk characters appear on screens, or information not requested (still several times daily),
- Voice and data radio outages due to failures in CABLE 7 and associated communications interfaces (still occurs, up to several times per day).

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Memo to Joint Rules/Budget Committee
February 7, 1996 Joint Meeting of Rules/Budget Committee

Items 3 and 4 - Files 216-95-1 and 216-95-1.1

Note: These items were continued by the Budget Committee at its meeting of March 1, 1995.

Items: **Item 3, File 216-95-1** - Resolution adopting final negative declaration, finding and determining that the new Combined Emergency Communication Center (CECC), also known as the 911 Emergency Dispatch Center, on the property located at 1003 Turk Street in the Margaret S. Hayward Playground, Assessor's Block 759, Lot 1, will have no significant impact on the environment, and adopting and incorporating findings of final negative declaration.

Item 4, File 216-95-1.1 - Ordinance (1) selecting and setting aside certain real property at 1003 Turk Street in the Margaret S. Hayward Playground, Assessor's Block 759, Lot 1, for the construction and operation of a new Combined Emergency Communications Center, (2) adopting findings that such project is in conformity with the Master Plan and consistent with the eight Priority Policies of City Planning Code Section 101.1, and (3) adopting and incorporating findings pursuant to the California Environmental Quality Act.

Description: The Board of Supervisors, pursuant to Section 6a of Article XIV of the 1898 and 1929 Charters and Sections 11.101 and 11.102 of the 1932 Charter, has the authority to select and set aside by ordinance real property in the Margaret S. Hayward Playground, formerly known as Jefferson Square, Assessor's Block 759, Lot 1 (the "Hayward Playground"), for the construction of buildings and related improvements. This site would serve as a central fire alarm and police communications center to allow for effective responses to City-wide emergencies. Hayward Playground is Recreation and Park Department land bounded by Golden Gate Avenue, Eddy Street, Laguna Street and Gough Street.

The Board of Supervisors previously set aside approximately 21,942 square feet of real property located in Hayward Playground for the construction and operation of the Central Fire Alarm Station and the Interim Emergency Command Center (a temporary building). The Central Fire Alarm Station currently houses the Fire Department Dispatch Unit and the Department of Electricity and Telecommunications (DET) Support Services. The Interim Emergency Command Center is currently occupied by the Mayor's Office of Emergency Services.

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The proposed ordinance (File 216-95-1.1) would set aside an additional 21,942 square feet of real property in Hayward Playground for the construction and operation of a new permanent Combined Emergency Communication Center (CECC), which is a computer-aided dispatch system for police, fire and emergency medical services.

The additional 21,942 square feet of property in the Hayward Playground is needed for the construction of the CECC Center because the functions currently located at the Hayward Playground for the Central Fire Alarm Station and the Interim Emergency Command Center must remain operational during the construction of the new CECC. After the completion of the CECC, the functions currently located at Hayward Playground for the Central Fire Alarm Station and the Interim Emergency Command Center will be relocated to the CECC facility at the playground. Although 21,942 square feet of space has previously been set-aside by the Board of Supervisors for the existing facility, upon completion of the new CECC facility, approximately 14,638 in net square feet of subsurface space will be utilized for storage parking and wiring, with recreational facilities located on top of the subsurface space. Therefore, the total property utilized for the new CECC and related storage, parking and wiring will total 36,580, consisting of 14,638 from the existing facility, and 21,942 square feet of property from the Hayward Playground.

The additional property to be set aside for the construction of the CECC is the present location of Recreation and Park Department (RPD) facilities, including two basketball courts and one volleyball court. In addition, there are tennis courts and a playing field immediately adjacent to the property on which the CECC is to be built. According to Mr. Joel Robinson of the Recreation and Park Department, the two basketball courts and the volleyball court will be temporarily relocated to a portion of the existing playing field at Hayward Playground, thereby temporarily reducing the size of the playing field by approximately 1,300 square feet, from 36,000 square feet to 34,700 square feet, during the construction of the CECC.

Under the proposed ordinance (File 216-95-1.1), following the completion of the CECC, the top floor of the Central Fire Alarm Station and the Interim Emergency Command Center will be demolished, leaving existing subsurface building space which will be used for storage and parking. New basketball and volleyball courts would be permanently

constructed on the roof of the subsurface storage and parking facilities.

In November of 1994, the Department of City Planning adopted and issued a final negative declaration for the construction of the 911 Center at the site on Hayward Playground, wherein the Department of City Planning concluded that there is no substantial evidence that the 911 Center construction project could have a significant effect on the environment. The proposed resolution (File 216-95-1) would provide for the adoption of this final negative declaration by the Board of Supervisors, as recommended by the Planning Commission.

In December of 1994, the City Planning Commission adopted a resolution, wherein the Planning Commission found that the construction of the 911 Center is in conformity with the City's Master Plan and is consistent with the Eight Priority Policies of City Planning Code Section 101.1. The proposed ordinance (File 216-95-1.1) would also adopt these findings of the Planning Commission.

Both of the proposed measures (Files 216-95-1 and 216-95-1.1) were originally heard by the Budget Committee on March 1, 1995. They were continued to the call of the Chair because of a variety of concerns expressed by community members regarding the selection of the Hayward Park site for the CECC, anticipated disruption of recreational activities, possible further expansion on the site, and safety issues related to hazardous materials that might be introduced to the area during the demolition of the Central Fire Alarm Station and the Interim Emergency Command Center. Mitigation measures planned by the CAO's Office at a total estimated cost of \$2,031,000 (See Attachment No. 1 for an itemization of the Community Mitigation budget for items that cannot be paid for with 911 Fees), include:

- Creation of a neighborhood economic development program.
- Restoration of an existing clubhouse at Hayward Playground.
- Replacement of existing playground equipment.
- Improvements to existing playing field.

In addition, mitigation measures totaling \$527,000 for off-hours security and temporary basketball and volleyball courts during construction could be funded through bond funds. These mitigation measures are discussed in Comments Nos. 3 through 6, below.

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Mr. Ralph Jacobson of the Office of the Chief Administrative Officer (CAO) advises that an Amendment of the Whole to File 216-95-1.1 will be submitted at the February 7, 1996 Joint Meeting of the Rules/Budget Committee, stating that it is the policy of the Board of Supervisors that no further property within the Hayward Playground, beyond the 36,580 square feet to be utilized for the CECC (21,942 square feet) and the subsurface space scheduled to remain from the present Central Fire Alarm Station and the Interim Emergency Command Center site (14,638 square feet), should be taken for emergency center uses.

Comments:

1. Mr. Jacobson states that the 911 Policy Steering Committee, which includes the CAO, the Police Department, the Fire Department, the Emergency Medical Services Division of the Department of Public Health, and the Department of Public Works (DPW), has considered two alternative building designs, the first of which involved a 28,000 square foot building and the second of which involved a 35,000 square foot building, both of which would be located over a 21,942 square foot subsurface parking facility. Mr. Jacobson reports that the Office of the CAO, along with the 911 Policy Steering Committee, would propose to proceed with plans for the larger, 35,000 square foot office space for the CECC, in order to (1) provide sufficient room for the ongoing training of dispatchers that must occur; (2) to permit management to take areas of the dispatch floor off line (for example, to rearrange or alter equipment) without severely disrupting dispatch operations; and (3) to provide a larger equipment room. The negative declaration by the Planning Department was based on the impact of a 35,600 square foot building over the parking facility. Since the proposed facility is 35,000 square feet, or 600 square feet less than the size reviewed in the Negative Declaration, a new Negative Declaration is not required, according to Mr. Jacobson.

Mr. Mike Martin of the Mayor's Office states that the Mayor's Office will review the space needs at the CECC with the 911 Policy Steering Committee before a final decision is made on whether or not to use the larger, 35,000 square foot building plan or the 28,000 square foot building plan.

2. The Negative Declaration states that State regulations and procedures regarding demolition of buildings with asbestos-containing materials "would ensure that any potential impacts due to asbestos would be reduced to a level of insignificance."

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3. Mr. Jacobson reports that, in response to community concerns about potential danger to children who use Hayward Playground and who might enter the construction site when staff is not there to enforce the access restrictions, the CAO will provide off-hours security during construction. The cost of this security is estimated to total \$263,000, and has been added to the project budget. Mr. Jacobson advises that 911 Fees can be used to pay for this item.
4. Mr. Larry del Carlo of the Mayor's Office of Community Development states that MOCD supports inclusion of a neighborhood economic development program for the Western Addition neighborhood in the CDBG program. The estimated cost of the program is \$450,000 over three years. The allocation of such CDBG funds would be subject to approval by the Citizens Committee on Community Development and separate legislative approval by the Board of Supervisors.
5. Mr. Jacobson states that, prior to the start of construction of the new CECC, the existing playground equipment would be removed and replaced with new equipment that will be more durable and conform with Americans with Disabilities Act (ADA) access requirements. The estimated cost to replace the playground equipment is \$353,000. The Recreation and Park Commission approved inclusion of this program in the recommended FY 1996-97 Open Space program on January 30, 1996. The allocation of Open Space funds would also be subject to separate legislative approval by the Board of Supervisors.
6. Mr. Jacobson advises that the CAO plans to identify funding sources to permit restoration of an existing clubhouse in the Hayward Playground, at a projected cost of \$848,000, and to make improvements to the playing field, at a projected cost of \$380,000. Mr. Jacobson states that the planned improvements to the playing field would not occur until October of 1999 at the earliest. He states that the clubhouse restoration could occur as soon as funds are secured. Although funds have not been identified for these projects, Mr. Jacobson states that future year Open Space budgets and/or Recreation and Park bond issues are potential sources of funds.
7. The Office of the Chief Administrative Officer (CAO) currently estimates that the total project costs for constructing and equipping the CECC and carrying out the community mitigation projects will be \$59,975,947, as follows:

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Construction Costs	\$19,236,000
Community Mitigation Projects	2,081,000
Communication Costs	10,864,842
CAD/AIS System Hardware and Software	16,500,000
Project Management - CAO's Office	1,250,000
Controller's ISD	2,294,105
System Integration Consultants	1,000,000
Lease Financing Costs*	<u>6,800,000</u>
Total	\$59,975,947

*Lease financing costs include capitalized interest charges, debt service reserve fund, underwriting and issuance costs.

The sources of funding for the CECC and related software that have been identified by the CAO and the Mayor's Office are as follows:

Lease Revenue Bond Funds	\$35,720,078
General Obligation Bond Funds*	2,152,000
911 Fees**: Pay-as-You-Go	20,072,869
FY 1996-97 Community Development Block Grant***	450,000
FY 1996-97 Recreation and Park Open Space Fund***	353,000
To Be Determined	<u>1,228,000</u>
Total	\$59,975,947

*As detailed below, repayment of bond funds is to be split between 911 Fees and General Fund payments by the Police and Fire Departments and the Emergency Medical Services Division of the Department of Public Health.

**The Board of Supervisors imposed a 911 Emergency Response Fee of \$0.50 per local telephone access line per month to finance 911 communication system consolidation (File 127-93-22).

***Subject to Board of Supervisors approval.

A table prepared by the CAO's Office showing the allocation of funding sources to project costs is shown in Attachment No. 2 to this report. The Community Development Block Grant, Open Space Fund and To Be Determined portions of the budget, which would fund community mitigation projects, are listed as "Other Fund Contribution" on Attachment No. 2.

Repayment of the \$35.7 million lease financing and the \$2.1 million General Obligation Bonds will involve estimated total debt service of \$41,945,643 over ten years. The bonds will finance a combination of building costs (using ten year financing) and equipment (hardware) costs. (using three year financing). According to Ms. Laura Wagner-Lockwood of the

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CAO's Office, this debt service will be repaid from a combination of (1) 911 Emergency Response Fee Revenues, which are expected to provide approximately \$26.9 million, or 64 percent of the total debt service; and (2) by General Fund contributions from the Police Department (SFPD) (\$9.2 million), the Fire Department (SFFD) (\$4.7 million) and the Emergency Medical Services Division (EMS) of the Public Health Department (\$1.1 million), projected to total approximately \$15 million, or 36 percent of the total debt service. The debt service schedules for payments from 911 Fees and from the SFPD, SFFD and EMS are detailed in Attachment No. 3 to this report. Ms. Wagner-Lockwood advises that the General Fund will be used to repay the equipment financing. She states that the allocation of debt service costs to the departments is based on the expected share of hardware equipment to be used by each department.

Ms. Wagner-Lockwood states that, in addition to providing partial funding of \$26.9 million for debt service, 911 Emergency Response Fee Revenues will be used on a pay-as-you-go basis to fund approximately \$20.1 million in non-bond financed project costs. Mr. Jacobson advises that the Controller will be provided with the CAO's projections of required 911 Fees for debt service and pay-as-you-go, and the Controller will review the projections to verify that sufficient funds will be available from 911 Emergency Response Fee Revenues from FY 1996-97 through FY 2001-02 to cover the projected payments.

8. Since these two items (Files 216-95-1 and 216-95-1.1) were first heard by the Budget Committee on March 1, 1995, projected construction costs for the CECC have risen by \$6,016,000, from \$13,220,000 to \$19,236,000. Mr. Jacobson states that the construction cost increase is a result of the following factors: (1) inflationary increases in the cost of construction; (2) expansion of the facility from the original plan of 28,000 square feet to 35,000 square feet; (3) errors in the original estimation of the cost of building the temporary and permanent basketball and volleyball courts; (4) various items related to seismic hardening of the building, provision of emergency generators and an uninterrupted power supply, etc. that have been determined to be necessary following consultation with other jurisdictions that have recently completed construction of similar facilities; and (5) the additional \$2,031,000 in community mitigation measures outlined above and shown in Attachment 1.

Although the construction cost estimate has increased by over \$6 million, the total project cost estimate has increased

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by a lesser amount of approximately \$1.9 million, from \$58.1 million to nearly \$60 million. Mr. Jacobson reports that the CAO's Office has reduced Communication costs by approximately \$1.9 million. The other major area of cost reduction is in the lease financing costs, which are now projected to total \$6.8 million, instead of the \$10.6 million that was originally projected. The financing costs are lower because instead of issuing \$45 million in lease revenue bonds, as was originally planned, the CAO now plans to issue \$35.7 million in lease revenue bonds, using 911 Fees on a pay-as-you-go basis to make up the difference. The lower total bond issuance results in lower financing costs, including lower capitalized interest charges, reserve fund and underwriting costs.

9. Mr. Martin of the Mayor's Office states that the Mayor's Office plans to review the cost estimates with the CAO's Office, in an effort to reduce total project costs and thereby reduce the \$15 million burden on the General Fund (See Comment No. 7 above). Mr. Martin notes that, under the original plan, \$7 million was expected to come from the General Fund. However, as a result of cost increases and the need to preserve a portion of 911 Fees for pay-as-you-go expenses, the SFPD, the SFFD and the EMS are now projected to contribute a combined General Fund total of \$15 million to the project from FY 1996-97 through FY 2001-02.

- Recommendations:**
1. Request that the CAO's Office provide the Board of Supervisors with quarterly status reports on the long-term 911 Project, including the budget and finance package for the Combined Emergency Communications Center and related activities, at the time of the quarterly status reports on the existing 911 system.
 2. Approval of the proposed resolution (File 216-95-1) and the proposed ordinance (File 216-95-1.1) are policy matters for the Board of Supervisors.

Attachment No. 1

Community Mitigation Projects
Not Eligible for 911 Fee Revenue
Estimated Budget

<u>Mitigation Measure</u>	<u>Estimated Cost</u>
Neighborhood Economic Development Program	450,000
Clubhouse Restoration	848,000
Playground Equipment	353,000
Recreation and Park Department Improvements to Playing Field	<u>380,000</u>
Total	\$2,031,000

Sources of Funding and Repayment of Debt Service

Attachment No. 2

Initial Funding

	Lease Revenue Bond Funds	GO Bonds	911 Fees. Pay-as-you-go	Total 911 Eligible Costs	Other Fund Contribution	TOTAL	TOTAL
Building	14,461,334	2,152,000	2,622,666	19,236,000	2,031,000	19,236,000	19,236,000
Community Mitigation Costs			682,825	682,825	1,925,973	1,925,973	2,031,000
Wire Communications			682,825	682,825	280,000	280,000	682,825
Telecommunications			1,925,973	1,925,973	1,434,300	1,434,300	1,925,973
Telephone Conversion			1,925,973	1,925,973	1,434,300	1,434,300	280,000
Data Communication			280,000	280,000	5,458,744	5,458,744	5,458,744
Mobile Computing Terminals			1,434,300	1,434,300	1,083,000	1,083,000	1,434,300
Other Radio Communication			5,458,744	5,458,744	1,083,000	1,083,000	5,458,744
CAD Hardware			1,083,000	1,083,000	2,500,000	2,500,000	1,083,000
CAD Software			2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
AIS Hardware			6,500,000	6,500,000	6,500,000	6,500,000	6,500,000
AIS Software			5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Project Management			4,544,105	4,544,105	4,544,105	4,544,105	4,544,105
Bond Financing Costs			6,800,000	6,800,000	6,800,000	6,800,000	6,800,000
Total Costs of Project			35,720,078	2,152,000	20,072,869	57,944,947	2,031,000
Funding and Repayment of Debt Service							59,973,947
911 Eligible Project Costs							59,973,947
Total Maximum 911 Fee Revenue (at 82% of Eligible Project Costs)							59,973,947
Use of 911 Fee Revenue Pay-as-you-go Project Costs	20,072,869						
Debt Service on Building	23,665,105						
Debt Service on CAD Hardware	3,143,163						
Use of General Fund Revenues for Dept Specific Equipment							
Debt Service on Mobile Computing Terminals	6,864,455						
Debt Service on AIS Hardware	8,171,319						
Use of General Fund Revenues for Dept Specific Equipment	15,035,774						

*Dept Specific Equipment

City and County of San Francisco
Allocation of Overall Debt Service on 911 Project

FY	MCT	AJS Hardware		911 Fee		TOTAL
	Debt Serv	Debt Serv	Paid by	911 Fee	Debt Svc	
	Paid by	Depts	Subtotal	Debt Svc on Bldg	Hardware	Subtotal
1996-97	1,144,613	-	1,144,613	-	-	1,144,613
1997-98	2,285,843	-	2,285,843	-	-	2,285,843
1998-99	2,288,240	1,362,701	3,650,941	657,596	524,174	1,181,770
1999-00	1,145,760	2,724,425	3,870,185	2,254,072	1,047,972	3,302,044
2000-01	-	2,724,781	2,724,781	2,565,167	1,048,109	3,613,276
2001-02	-	1,359,412	1,359,412	2,875,402	522,908	3,398,310
2002-03	-	-	-	3,192,142	-	3,192,142
2003-04	-	-	-	3,498,498	-	3,498,498
2004-05	-	-	-	4,169,355	-	4,169,355
2005-06	-	-	-	4,554,473	-	4,554,473
TOTAL	6,864,455	8,171,319	15,035,774	23,766,705	3,143,163	26,909,868
						41,945,643

General Fund Impact by Department (Estimated)**MCT Debt Service Paid by Depts**

	Police	Fire	EMS	Total
FY 1996-97	62%	33%	5%	
	709,660	377,722	57,231	1,144,613
FY 1997-98	1,417,222	754,328	114,292	2,285,843
FY 1998-99	1,418,709	755,119	114,412	2,288,240
FY 1999-00	710,371	378,101	57,288	1,145,760
FY 2000-01				
FY 2001-02				
TOTAL	4,255,962	2,265,270	343,223	-
				6,864,455

AJS Hardware Debt Service Paid by Depts

	Police	Fire	EMS	Total
FY 1996-97	60%	30%	10%	-
	-	-	-	-
FY 1997-98	-	-	-	-
FY 1998-99	817,621	408,810	136,270	1,362,701
FY 1999-00	1,634,655	817,328	272,443	2,724,425
FY 2000-01	1,634,869	817,434	272,478	2,724,781
FY 2001-02	815,647	407,823	135,941	1,359,412
TOTAL	4,902,792	2,451,396	817,132	-
				8,171,319

Total Debt Service Paid by Depts

	Police	Fire	EMS	Total
FY 1996-97	709,660	377,722	57,231	1,144,613
FY 1997-98	1,417,222	754,328	114,292	2,285,843
FY 1998-99	2,236,329	1,163,930	250,682	3,650,941
FY 1999-00	2,345,026	1,195,428	329,731	3,870,185
FY 2000-01	1,634,869	817,434	272,478	2,724,781
FY 2001-02	815,647	407,823	135,941	1,359,412
TOTAL	9,158,754	4,716,666	1,160,355	-
				15,035,774

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Item 5 - File 101-94-86

Note: This item was continued from the Budget Committee Meeting of April 12, 1995.

Departments:	Fire Department Department of Public Works (DPW)
Item:	Ordinance appropriating \$600,000 of 1992 Proposition C Fire Improvement Bond proceeds for the design of the new Combined Emergency Communications Center, also referred to as the 911 Dispatch Center; subject of previous budgetary denial.
Amount:	\$600,000
Source of Funds:	1992 Proposition C Fire Improvement Bonds
Description:	In November of 1992, the electorate of San Francisco approved the Proposition C Fire Improvement Bond Issue. A total of \$40,800,000 in General Obligation bonds were approved to finance (1) improvements related to various Fire Department facilities, (2) the design of the new Combined Emergency Communications Center (CECC), referred to as the 911 Dispatch Center, and (3) construction of the Fire Department's new Headquarters/Pump Station 1 project. In October of 1994, \$10,105,000 in Proposition C Fire Improvement Bonds were sold by the City. These bonds were sold to provide financing for (a) improvements to 32 Fire facilities and (b) a portion of the architectural and engineering services for the CECC. In December of 1994, a supplemental appropriation request in the amount of \$600,000 for architectural and engineering services for the CECC was not approved by the Board of Supervisors because the Fire Commission had not yet taken final approval actions pertaining to this \$600,000. Such final approval was made by the Fire Commission on December 27, 1994. Subsequent to the Fire Commission's final approval of the \$600,000, the Fire Department again submitted a supplemental appropriation request for the \$600,000, which was continued to the call of the Chair by the Budget Committee on April 12, 1995 because of neighborhood concerns regarding the possible location of the CECC at 1003 Turk Street and pending the final selection of a site for the CECC.

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The Chief Administrative Officer has selected 1003 Turk Street as the site for the CECC (see Item 3, File 216-95-1 and Item 4, File 216-95-1.1 of this report to the Joint Rules/Budget Committee for the City's plans to mitigate neighborhood concerns regarding this site along with other pertinent details on this site).

Comments:

1. According to Mr. Gary Hoy of the DPW, the architectural and engineering services for the CECC would be performed in-house by DPW employees.
2. The Attachment, provided by Mr. Hoy, outlines the budget details for the requested \$600,000 together with the total estimated construction costs for the CCEC totaling \$15,581,500. As previously noted, the \$600,000 would pay for a portion of the estimated architectural and engineering costs. As indicated in the Attachment, the total estimated cost for these services is \$1,603,000 or \$1,003,000 more than the requested \$600,000. The balance of \$1,003,000 was paid for by previously appropriated 1992 Proposition C Fire Improvement Bond funds. The total \$1,603,000 estimated for architectural and engineering services represents 10.3 percent of the \$15,581,500 estimated total construction costs.
3. Since this request is the subject of previous budgetary denial, passage of this ordinance requires the approval of a 2/3 vote of the Board of Supervisors.

Recommendation: Approve the proposed ordinance.

DEPARTMENT OF PUBLIC WORKS

INTER-BUREAU MEMO

TO: Sandy Brown Richardson
Budget Analyst

DATE: February 2, 1996

THROUGH:

SUBJECT: 911 Emergency Communications
Center

FROM: Gary Hoy
Senior Architect

Dear Sandy:

Pursuant to your request, the breakdown for additional funds to be transferred from 1992 Fire Protection Bond, Proposition C, to this project is as described in column 2, Other Funding*, page 3 of Budget Analyst Report, dated March 2, 1994, File No. 101-93-76 as follows:

Project Management:	300,000
Environmental Surveys:	50,000
<u>Architectural/Engineering Design</u>	<u>250,000</u>
Total	600,000

A breakdown of the hours and rates is included below for your review. These funds are a portion of the required funds indicated in the 911 ECC Project table on page 2.

	Rate	Hours	Subtotal	Total for Discipline
Project Management				
BOA/Senior Architect	80	3,120	249,600	
BOA/Administrative Asst.	42	1,200	50,400	
Subtotal PM				300,000
Environmental Surveys				
BCM Environmental	76	300	22,800	
BCM/Technical Staff.	66	300	19,800	
BCM Admin. Asst.	42	175	7,350	
Subtotal Environmental			49,950	≤50,000
DPW Architectural/Engineering Design				
BOA	Project Architect	75	600	45,000
	Architectural Associate	60	600	36,000
	Architectural Asst.	48	350	16,800
BOE/Civil	Project Engineer	75	450	33,750
	Associate Engineer	60	450	27,000
	Engineering Asst.	50	450	22,500
BOE/Landscape	Sr. Landscape Architect	70	400	28,000
	Landscape Architect	55	450	24,750
	Jr. Landscape Architect	45	360	16,200
	Subtotal Design			250,000
Total Appropriation				600,000

Following the initial appropriation and project start, further study involving the Mayors Office of Emergency Services, the Police, Fire, Public Health, Parking and Traffic Departments; the Dept. of Electricity and Telecommunications; and input from the Citizens Advisory Committee; the project has developed into 3 phases of construction outlined in the 911 ECC Project table below. Those projects requested by the neighboring communities which will be funded by sources other than the 911 Fee are shown on the table on the following page. The project details are included below with a column expressing the percentage of construction cost for the various management, design, and construction management costs per your request. The totals are also relevant to the budget analysts report for Items 7 and 8 - Files 216-95-1 and 216-95-1.1.

911 ECC Project

	Phase IA	Phase II		Phase III		Total
	Temp.Court	911 ECC		Perm. Court		
Demo/Construction	190,000		11,392,500		1,400,000	12,982,500
Const. Contingency	19,000		1,140,000		140,000	1,299,000
Furn.Fix.and Equip.			1,000,000			1,000,000
Haz. Mat. Abatement					120,000	120,000
Art Enrichment			180,000			180,000
Total const. Cost	209,000		13,712,500		1,660,000	15,581,500
Project Mgt.	7,500	3.6%	500,000	3.6%	50,000	3.0%
Program/Planning			112,500	0.8%		
Environmental Evaluation.			25,000	0.2%		
Envir. Survey/OSD	4,000	1.9%	105,000	0.8%	20,000	1.2%
A/E Basic Design Services.*	15,000	7.2%	1,070,000	7.8%	132,000	8.0%
A/E Supplemental Serv.*	2,000	1.0%	115,000	0.8%	10,000	0.6%
Peer Review/Concurrents Constl. Constructability Review/ Cost and Schedule Analysis						
Permits/Fees/Testing	12,500	5.9%	365,000	2.6%	60,000	3.6%
A/E Const. Services *	4,000	1.9%	225,000	1.6%	30,000	1.8%
Const. Management	10,000	4.8%	635,000	4.6%	145,000	8.7%
Total Project Cost	264,000		16,865,000		2,107,000	19,236,000

*Total Architectural/Engineering costs of \$1,603,000.

Items 6 and 7 - Files 101-95-44 and 143-95-7

Departments: San Francisco Police Department (SFPD)
Chief Administrative Officer (CAO)

Items: File 101-95-44 Ordinance appropriating \$1,600,000, Chief Administrative Officer, of 911 Project Funds for the purchase of mobile computing terminals (providing the local match for the COPS MORE grant) pertaining to the City's 911 system for FY 1995-96.

File 143-95-7 Resolution authorizing the Chief of Police to accept and expend grant funding in the amount of \$2,713,801 for the equipment and technology component of a new one-year project, entitled "Community Oriented Policing Services - Making Officer Redeployment Effective" (COPS MORE Program) pertaining to the City's 911 system.

File 101-95-44 (Item #6)

Amount: \$1,600,000

Source of Funds: 911 Project Funds, which are telephone line fees charged to San Francisco residences and businesses (See Comment #1).

File 143-95-7 (Item #7)

Project: Equipment and technology component of the Community Oriented Policing Services - Making Officer Redeployment Effective (COPS MORE) Program

Grant Amount: \$2,713,801

Grant Period: July 1, 1995 through June 30, 1996 (see Comment No. 5)

Source of Funds: United States Department of Justice (DOJ)/Office of Community Oriented Policing Services (COPS)

Required Match: \$1,604,789. \$1,600,000 of the required matching funds would be funded through 911 Project Funds (File 101-95-44) approved by the electorate in June, 1994. The remaining \$4,789 in required matching funds would come from the Police Department's FY 1995-96 General Fund budget.

Description: In June, of 1994, San Francisco voters approved Proposition B (911 Dispatch Center Financing Project) which authorized the City to enter into lease financing arrangements with the San Francisco Lease Finance Corporation, a non-profit corporation, for the purpose of constructing a combined

Memo to Joint Rules and Budget Committee
February 7, 1996

dispatch center and acquiring related equipment, including a computer-aided dispatch system for police, fire and emergency medical services.

One component of the 911 Dispatch Center Financing Project was a mobile computing system, which would serve as an emergency dispatch system. Subsequent to the approval of Proposition B by the electorate in 1994, the SFPD was notified that it was eligible to receive Federal Grant funds under the COPS MORE Program for project costs associated with the mobile computing system. These Federal grant funds would be used to offset the funds required from the 911 Dispatch Center Financing Project. Therefore, the SFPD and the CAO's Office are requesting authorization from the Board of Supervisors to accept and expend the proposed Federal grant funds (File 143-95-7), as well as appropriate the required matching funds from 911 Project Funds (File 101-95-44) authorized under Proposition B.

The COPS MORE Program is designed to increase the level of community policing services by increasing Police Officer presence in the City's neighborhoods. The equipment and technology component of the COPS MORE Program consists of purchasing a Mobile Computing System (MCS) and installing Mobile Computing Terminals (MCTs) in patrol vehicles, thereby allowing Police Officers to complete incident and accident reports in the field rather than at the District Stations. The SFPD advises that this would reduce the time spent by Police Officers driving to and from District Stations and would therefore enable Police Officers to spend additional time in the field, responding to service calls, investigating crimes and completing crime reports while remaining in the neighborhoods in which they patrol.

In addition, the SFPD proposes to purchase five computer workstations and two printers for the Teleserve Unit of the SFPD's Support Services Division in order to provide more efficient administrative services by computerizing crime reports that do not require the presence of a Police Officer. The Teleserve Unit is responsible for documenting information needed for crime reports when crimes are not in progress and do not require the presence of a Police Officer at the crime scene. In addition, the SFPD plans to redeploy Police Officers into community policing patrols and instead use civilians for Teleserve Unit activities.

The proposed resolution (File 143-95-7) would authorize the SFPD to accept and expend \$2,713,801 in grant funds from the DOJ out of the total grant of \$3,022,980. This \$2,713,801

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portion of the grant requires a match of \$1,604,789, resulting in a total project cost of \$4,318,590 for the equipment and technology component of the COPS MORE Program.

The SFPD advises that it plans to submit a second resolution for approval in order to authorize the SFPD to accept and expend the remaining \$309,179 in grant funds (\$3,022,980 less \$2,713,801). This second grant will require a match of \$103,060.

Budget:

Following is the project budget totaling \$4,318,590 for the technology component of the COPS MORE Program, funded by (a) \$1,600,000 in proposed 911 Project Funds-telephone access fees (File 101-95-44), (b) \$4,789 in funds from the SFPD's FY 1995-96 budget, and (c) \$2,713,801 in proposed grant funds (File 143-95-7):

Equipment

District Stations (Mobile Computing System)

Mobile Computing Terminals (MCTs) (390	
laptop computers @ \$6,000 each)	\$2,340,000
Installation and mounting of MCTs in vehicles	
(390 @ \$600 each)	234,000
Computer software (390 @ \$1,000 each)	390,000
Radio Frequency (RF) modems (390 @ \$800 each)	312,000
Radio Local Area Network (LAN) equipment	
(390 @ \$600 each)	234,000
TX software or equivalent to allow transmission	
of data over radio (390 @ \$236 each)	92,040
Docking stations (36 @ \$2,000 each)	72,000
District Station servers (10 @ \$6,500 each)	65,000
Hard disk primary and backup storage for District	
Station servers (20 @ \$1,500 each)	30,000
Connection of Central Records server to District	
Station servers	219,579
Subtotal - District Stations	\$3,988,619

Teleserve Unit

Personal computers (5 @ \$3,789 each)	\$18,945
Laser printers (2 @ \$763 each)	1,526
Computer software (5 @ \$400 each)	2,000
Subtotal - Teleserve	22,471

Total - Equipment	\$4,011,090*
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Services of Other Departments

Department of Electricity and Telecommunications (DET)

Tuning and customizing of software to interface from	
computers in patrol vehicles to existing radio system	\$25,000

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Controller's Informational Services Division (ISD)

Computer programming services and construction of variety of interfaces that will integrate MCTs with existing Computer Aided Bay Area Law Enforcement (CABLE) system, including connecting the vehicles to district stations.

ISD Project Manager (74 hrs @ \$49.38 hr)	\$3,654
ISD System Developer (520 hrs @ \$49.37 hr)	25,673
ISD Network Technician (490 hrs @ \$58.81 hr)	28,818
Executive Direction Consulting-not a City-certified MBE/WBE firm (730 hrs @ \$75.00 hr)	54,750
Tiburon, Inc. not a City-certified MBE/WBE firm (160 hrs @ \$90.00 hr)	14,400
Consultants not yet selected	<u>155,205</u>
Subtotal - ISD	<u>282,500</u>
Total - Services of Other Departments	<u>307,500</u>
Total Project Budget	\$4,318,590

* Of this \$4,011,090 for equipment, \$2,411,090 would be funded with the proposed grant and \$1,600,000 would be funded by the required match.

Indirect Costs: None

Comments:

1. As noted above, of the required match of \$1,604,789 for equipment, (a) \$4,789 would be funded from the Police Department's FY 1995-96 General Fund budget and (b) \$1,600,000 would be funded from 911 Project Funds (File 101-95-44) available through Proposition B, which authorized the City to use a lease-financing arrangement with the San Francisco Lease Finance Corporation to construct a Combined 911 Dispatch Center and acquire related computer equipment. According to Ms. Laura Wagner-Lockwood of the CAO's Office, the 911 Project Fund currently consists of funds available from fees of \$0.50 per telephone access line per month, or \$2.50 per trunk access line per month (multiple telephone lines using one trunk line). These telephone fees are in accordance with the Proposition B 911 Dispatch Center Financing Project, as previously approved by the electorate in June, 1994.

2. Sergeant John Bisordi of the Police Department advises that EIPSC approval for the equipment detailed above has not yet been received. In addition, Sergeant Bisordi reports that the Police Department has not yet issued a Request for Proposals (RFP) for the proposed \$4,011,090 in equipment. As such, the proposed ordinance (File 101-95-44) should be amended to reserve a total of \$1,600,000, and the proposed resolution (File 143-95-7) should be amended to reserve a

total of \$2,411,090 (based upon \$4,011,090 in total equipment costs less \$1,600,000 reserved from the proposed ordinance): 1) pending EIPSC approval, and 2) pending the selection of a vendor, the submission of finalized budget details and the MBE/WBE status of the vendor.

3. As noted in the above-listed budget for the Controller's ISD services, a total of \$155,205 in grant funds would be used for contractors that have not yet been selected. Therefore, the proposed resolution (File 143-95-7) should be amended to reserve a total of \$155,205 pending the selection of a contractor, the submission of cost details and the MBE/WBE status of the contractor.

4. A total of \$25,000 has been budgeted for services to be provided by the Department of Electricity and Telecommunications (DET). As of the writing of this report, the DET was unable to specify a breakdown of project staff that would be utilized, hours and hourly rates. Therefore, the proposed resolution (File 143-95-7) should be amended to reserve a total of \$25,000 pending a specification of project staff, hours and hourly rates for the DET.

5. Mr. Rodney Loucks of the Controller's ISD Office estimates that additional annual maintenance and replacement costs for the equipment typically run approximately 10 percent of the total equipment cost of \$4,011,090, or \$401,149 annually. However, Mr. Loucks reports that the City may negotiate an extended warranty contract for the equipment if it is more cost efficient to do so. In addition, Sergeant Bisordi reports that these maintenance and replacement costs would be offset by savings achieved from not having to maintain the existing terminals used by the department. Sergeant Bisordi advises that any additional maintenance and replacement costs would be included in the Police Department's annual General Fund budget.

6. Sergeant Bisordi estimates that approximately two hours per shift of a Police Officer's time is spent traveling to the district stations, and completing incidence reports. Therefore, Sergeant Bisordi reports that Police Officer's time will be more efficiently utilized by spending additional time in the field.

7. According to Sergeant Bisordi, some expenditures have been incurred against the proposed grant so that the Controller's ISD could begin planning for the installation of the proposed computer equipment. As such, the proposed resolution should be amended to provide for retroactivity.

8. The grantor does not allow for the inclusion of indirect costs in the proposed grant. As such, the proposed resolution should be amended to waive indirect costs.
9. Attached is a copy of the Summary of Grant Request, as prepared by the SFPD.
10. The SFPD has prepared a Disability Access Checklist, which is on file with the Clerk of the Board.

Recommendations:

1. Amend the proposed legislation (Files 143-95-7 and 101-95-44) to reserve a total of \$4,191,295, consisting of (a) \$1,600,000 from the proposed ordinance (File 101-95-44), and (b) \$2,411,090 from the proposed resolution (File 143-95-7) pending 1) EIPSC approval, and 2) the selection of a vendor, the submission of cost details and the MBE/WBE status of the vendor, (c) \$155,205 from the proposed resolution (File 143-95-7) pending the selection of a contractor, the submission of finalized budget details and the MBE/WBE status of the contractor, and (d) \$25,000 from the proposed resolution (File 143-95-7) pending a specification of project staff, hours and hourly rates used by the Department of Electricity and Telecommunications (DET).
2. Amend the proposed resolution (File 143-95-7) to provide for retroactivity.
3. Amend the proposed resolution (File 143-95-7) to waive indirect costs.
4. Approve the proposed resolution as amended.

Item No: _____ Summary of Grant Request Rev. 4/10/90

Grantor U.S. Dept. of Justice/
Bureau of Justice Assistance

Contact Person Kristen Layman

Address 1100 Vermont Ave. NW
Washington, DC 20530

Amount Requested \$ 2,718,700.00

Term: From 9/1/95 To 8/31/96

Health Commission Board of Supervisors: Finance Committee
Full Board

Division San Francisco Police Dept.

Section Fiscal División

Contact Person Sgt. John Bisordi

Telephone 553-1120

Application Deadline 3/95

Notification Expected 9/95

I. Item Description: Request to (apply for) (accept and expend) a (new) (continuation) (allocation) (augmentation to a) grant in the amount of \$2,713,801 from the period of 9/1/95 to 8/31/96 to provide Police officer redeployment to community policing services.

II. Summary: (Concern/benefits; need addressed; number & groups served; services and providers)

This is a technology and equipment grant, with emphasis on increasing police officer time on the street, and in interaction with the community. Mobile Computer Terminals will be installed in patrol vehicles, allowing officer to complete incident and accident reports in the field.

III. Outcomes/Objectives:

By eliminating or reducing the need for officers to return to district stations to complete reports, more community policing services can be provided.

IV. Effects of Reduction or Termination of These Funds:

This project would not be possible at this time, due to the high cost of the required equipment.

V. Financial Information:

	Col. A Two Years Ago	Col. B Past Year/Orig.	Col. C Proposed	Col. D Change	Req. Match	Approved by
Grant Amount			\$2,713,801		\$1,604,789	
Personnel						
Equipment			\$2,713,801			
Contract Svc.			\$307,500	Included in equipment and technology		
Mat. & Supp.						
Facilities/Space						
Other						
Indirect Costs						

VI. Data Processing

(comes included above) _____

VII. Personnel

F/T CSC				
P/T CSC				
Contractual			\$307,500	

Source(s) of non-grant funding for salaries of CSC employees working part-time on this grant:

Will grant funded employees be retained after this grant terminates? If so, How?

VIII. Contractual Services: Open Bid _____ Sole Source Yes _____ (If sole source, attach Request for Exception Form)
Contractual services are for programming costs and will be provided through the Controllers office I.S.D. on a work order basis. 33

Memo to Joint Rules/Budget Committee
February 7, 1996 Joint Budget/Rules Committee Meeting

Item 8 - File 170-95-14

Department: Chief Administrative Officer (CAO)

Item: Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future indebtedness, and authorizing the Chief Administrative Officer to develop a bond financing plan to construct a Combined Emergency Communications Center, also referred to as the 911 Dispatch Center, for Police, Fire and Emergency Medical Services.

Description: On June 7, 1994, the San Francisco electorate authorized the issuance of Lease Revenue Bonds in the amount of \$60,000,000 for the construction of a Combined Emergency Communications Center (CECC), including a computer-aided dispatch system, for police, fire and emergency dispatch services.

The CAO advises that Section 1.150-2 of the Treasury Regulations under the Internal Revenue Code of 1986 requires that the City declare its official intent to reimburse itself for any expenditures that are to be financed by the proceeds of bonds, when such expenditures are incurred before the bonds have been sold.

The proposed resolution would declare such intent by the City in order that the City's General Fund or other Funds can be reimbursed for expenditures incurred prior to the issuance and appropriation of the Lease Revenue Bond funds. Additionally, the proposed resolution would authorize the CAO to develop a financing plan relating to the issuance and sale of the bonds and the financing of the CECC. Such authorization would include the CAO taking any necessary actions in connection with the implementation of the financing plan including, but not limited to, selecting and retaining financing team participants.

Ms. Laura Wagner-Lockwood advises that the CAO's current preliminary estimate of the bond financing costs, is as follows:

Capitalized Interest	\$2,513,000
Debt Service Reserve Fund	3,572,500
Underwriting and Issuance Costs	<u>714,500</u>
Total	\$6,800,000

The above-noted \$6,800,000 does not include an estimate for bond insurance, since the CAO has not, as yet, made a

**BOARD OF SUPERVISORS
BUDGET ANALYST**

Memo to Joint Rules/Budget Committee
February 7, 1996 Joint Budget/Rules Committee Meeting

determination as to whether such insurance will be required. It should be noted that all requests for the issuance and sale of the subject bonds would be subject to separate approval by the Board of Supervisors.

According to Mr. Ralph Jacobson of the Office of the CAO, expenditures in the amount of \$372,404 have been incurred thus far for project management and related services, in connection with the planned CECC.

Comment: The proposed resolution does not bind the City to make any expenditure or to incur any indebtedness. All expenditures in connection with the CECC will be subject to appropriation approval of the Board of Supervisors.

Recommendation: Approve the proposed resolution.

Memo to Joint Rules/Budget Committee
February 7, 1996 Joint Rules/Budget Committee Meeting

Item 9 - File 97-96-2

Item: The proposed ordinance would amend Chapter 10 of the San Francisco Administrative Code by amending Section 10.204 to require, retroactive to September 1, 1994, that interest earned on 911 Emergency Response Fund monies be retained in the Fund to be expended only for the purposes for which the Fund was established.

Description:

1. Ordinance No. 416-93, which established the 911 Emergency Response Fund, was approved by the Board of Supervisors and subsequently became effective on December 23, 1993, as Section 10.204 of the Administrative Code. The purpose of the 911 Emergency Response Fund is to receive all monies collected by the City in accordance with Article 10.A of Part III of the San Francisco Municipal Code, "Emergency Response Fee." Section 10.A provides a fee of \$.50 per month for each telephone access line or \$2.50 per month for each trunk line. Section 10.A also provides that the subject fee shall expire upon the Controller's written certification that the total fee revenues are sufficient to recover the actual eligible costs for the 911 Combined Emergency Communications Center Project. However, under no circumstances are such eligible project costs to exceed \$49,000,000.
2. Section 10.204 of the Administrative Code provides that monies in the 911 Emergency Response Fund shall be appropriated solely for the following purposes:
 - (1) For the payment of costs of acquiring land on which to locate a 911 communication system facility, acquiring and installing computerized call delivery processing and dispatch equipment and software, and/or any other acquisition or construction necessary to combine 911 communication staff under a single uniform command structure and to house 911 communication system equipment and staff in a seismically safe and fireproof facility contiguous or proximate to the Central Fire Alarm Station on Turk Street, including any debt service payments related thereto;

Memo to Joint Rules/Budget Committee
February 7, 1996 Joint Rules/Budget Committee Meeting

- (2) For the payment of "Conversion Costs¹," as that term is defined in Section 751 (d) of Part III of the San Francisco Municipal Code, to telephone service suppliers;
- (3) For the payment of extensions, replacements and improvements to a 911 communication system;
- (4) For the payment of operating, repair and maintenance expenses for a 911 communication system;
- (5) For the payment of personnel costs related to the operation and maintenance of a 911 communication system.

Section 10.204 of the Administrative Code further provides that:

No expenditures for the purposes set forth in Subparagraphs (3), (4) and (5) shall be made from the Fund until the costs set forth in Subparagraphs (1) and (2) have been paid.

Currently, Section 10.204 does not contain any provision concerning the disposition of interest earned on monies deposited in the 911 Emergency Response Fund. According to Mr. John Madden of the Controller's Office, interest earned on monies deposited to City special funds are normally credited to the General Fund in the absence of other provisions, but that it would be consistent with other special funds to have the interest, which is earned on monies which accrued to the 911 Emergency Response Fund, credited to that Fund.

Comments:

1. The proposed legislation would make retroactive to September 1, 1994, the allocation of the subject interest to the 911 Emergency Response Fund. Mr. Ernest Culver of the Controller's Office reports that a total of \$156,321 in interest earnings have accumulated in the General Fund during the period from September 1, 1994, to December 31, 1995. Under the provisions of this proposed ordinance, these funds and future Emergency Response Fund interest

¹ "Conversion Costs" means costs incurred by a local telephone service supplier to make initial modifications to the supplier's billing system, prior to beginning collection of the Emergency Response Fee, in order to collect a local charge imposed at a flat rate on a per-access-line basis, rather than as a percentage of charges for telephone services.

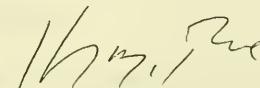
Memo to Joint Rules/Budget Committee
February 7, 1996 Joint Rules/Budget Committee Meeting

earnings would accrue to the 911 Emergency Response Fund.

2. Mr. Culver estimates that \$456,276 in Emergency Response Fund interest earnings would accrue to the 911 Emergency Response Fund during calendar year 1996, and estimates that such interest earnings would be \$103,115 in calendar year 1977. The balance in the Emergency Response Fund, as of December 31, 1995, is \$3,162,515.80.

3. The proposed ordinance would amend Section 10.204 to provide that interest earned on monies deposited in the 911 Emergency Response Fund shall be credited to the Emergency Response Fund and shall be expended only for the purposes for which the Fund was established.

Recommendation: Approve the proposed ordinance.



Harvey M. Rose

cc: President Shelley
Supervisor Hsieh
Supervisor Leal
Supervisor Kaufman
Supervisor Ammiano
Supervisor Bierman
Supervisor Alioto
Supervisor Kennedy
Supervisor Migden
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Chief Administrative Officer
Controller
Sam Yockey
Paul Horcher
Ted Lakey

S90.84

#1

2/20/96

RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

REGULAR MEETING

FEB 16 1996

SAN FRANCISCO
PUBLIC LIBRARY

TUESDAY, FEBRUARY 20, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: ROSEMARY LITTLE-HORANZY

* * * * *

Disability Access



Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #5 Fulton, #21 Hayes, #42 Downtown Loop, #47 Van Ness and #49 City College lines and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 308 staff.

The following services are available on request 48 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

REGULAR MEETING

1. File 33-96-1. [Appointment, Redevelopment Agency] Resolution confirming Mayor's appointment to the San Francisco Redevelopment Agency, Lynette Sweet (Seat No. 40305 – must be appointee of Mayor), vice Clarence R. Stern, term expired September 3, 1995, for a new four-year term ending September 3, 1999. (Mayor)
2. File 92-96-4. [Appointment, Bay Area Library and Information System Advisory Board] Hearing to consider appointing member to the Bay Area Library and Information System Advisory Board, vice Donna Miller Casey (Seat No. 21301 – must represent public at large and underserved residents in system), term expired December 31, 1995, for a new two-year term ending December 31, 1997. (Clerk of the Board)
(Continued from 2/6/96)

Applicants: James Chaffee
Margery K. Blum

ACTION:

3. File 121-96-3. [Newspaper Theft] Ordinance amending Police Code by adding Section 630 to prohibit the unauthorized removal of newspapers from newsracks, storefronts and residential properties. (Supervisor Shelley)
(Continued from 2/6/96)

ACTION:

4. File 190-96-1. [Disabled Placard Misuse Violation] Resolution implementing Vehicle Code Section 22511.57 to establish a violation for misuse of a disabled placard when the placard has been reported lost, stolen or issued to person since deceased. (Supervisor Shelley)

ACTION:

5. File 195-96-1. [San Bruno Jail] Hearing to consider the safety and condition of the county jail in San Bruno as well as the Sheriff's firing range. (Supervisor Shelley)

ACTION:

RULES COMMITTEE

Board of Supervisors
City & County of San Francisco
401 Van Ness Avenue, Room 308
San Francisco, CA 94102

IMPORTANT HEARING NOTICE!!!

Bill Lynch
Documents Section
Public Library-Main Branch
Civic Center

SF

\$90.84

3

2/20/96

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

February 16, 1996

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst *Recommendations for meeting of*

FEB 21 1996

SUBJECT: February 20, 1996 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 3 - File 121-96-3

Note: This item was continued by the Rules Committee at its meeting of February 6, 1996.

Item: Ordinance amending Police Code by adding Section 630 to prohibit the unauthorized removal of newspapers from news racks, storefronts, and residential properties.

Description: The proposed ordinance would prohibit the unauthorized removal of newspapers from news racks, storefronts, and residential properties for the purpose of discouraging persons from selling the newspaper(s) for monetary gain.

The proposed ordinance would prohibit any person from removing or taking more than one copy of a newspaper from any news rack, bundle drop location, storefront, or residential property for (1) the purpose of selling the newspaper(s) to any recycler; (2) the selling, trading, or bartering of a newspaper(s) to anyone for any payment; or (3) depriving others of the opportunity to read and enjoy such newspaper(s).

The proposed ordinance would also (1) prevent a recycler from purchasing or obtaining through trade or barter a copy(ies) of any newspaper, from any person who has

Memo to Rules Committee
February 20, 1996 Rules Committee Meeting

removed or taken such newspaper(s) before it reached its intended reading public; and (2) require any recycler or other person or entity purchasing newspapers in quantities of greater than 100 pounds per transaction to record the following information: the seller's name, address, telephone number, valid driver's license number, automobile license plate number, amount of newspapers, and amount paid per transaction. The above-mentioned information must be maintained and made available for inspection for at least one year.

Additionally, the proposed ordinance would provide that the prohibition against the unauthorized removal of newspapers from news racks, storefronts, and residential properties would be enforced by the Police Department. The legislation states that any person or entity violating any provision of this section of the ordinance shall be guilty of a misdemeanor or an infraction.

If charged as an infraction and convicted, the violator would be punished by a fine of not less than \$50 or more than \$100, and/or community service, for each provision violated. If charged as a misdemeanor and convicted, the violator would be punished by a fine of not less than \$100 or more than \$500, and/or community service, for each provision violated. If charged and convicted a second time as a misdemeanor within a 90 day period, the violator would be punished by a fine of not less than \$200 and not more than \$500. If charged and convicted a third time as a misdemeanor, a violator would be fined no less than \$300 and not more than \$500. With each misdemeanor conviction a violator of the proposed ordinance can also be punished by imprisonment in the County Jail for a maximum period of six months, or subject to both a fine and imprisonment.

Comment: As of the writing of this report, Deputy Chief Rich Holder anticipates that the Police Department can enforce the proposed ordinance with existing staff and, therefore, does not anticipate any incremental cost increases to enforce the proposed ordinance.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Memo to Rules Committee
February 20, 1996 Rules Committee Meeting

Item 4 - File 190-96-1

- Department:** Department of Parking and Traffic (DPT)
- Item:** Ordinance to implement California Vehicle Code Section 22511.57, establishing a violation for misuse of a disabled placard when the placard has been reported lost, stolen, or issued to a person who has been reported as being deceased for a period exceeding 60 days.
- Description:** The State of California adopted legislation, which became effective in July of 1995, on the misuse of disabled placards. California Vehicle Code Section 22511.57 provides that local authorities may, by ordinance or resolution, prohibit or restrict the parking or occupying of a vehicle when the vehicle displays a disabled placard, in order to obtain parking privileges, if the disabled vehicle has been reported lost or stolen or was issued to a person who has been reported as being deceased for a period exceeding 60 days.
- The proposed ordinance as authorized under Vehicle Code Section 22511.57 would establish a violation for the misuse of a disabled placard for the above-mentioned conditions. According to Mr. John Newlin, Executive Director of the Department of Parking and Traffic, individuals who currently violate the disabled placard regulations are fined an amount of \$500. Mr. Newlin advises the proposed ordinance would impose an additional penalty of vehicle impoundment for the misuse of a disabled placard. As a result of this additional penalty of vehicle impoundment, Mr. Newlin estimates that an additional 500 vehicles would be towed on an annual basis for the misuse of disabled placards.
- Mr. Newlin advises that the City will generate an estimated \$22,500 of additional annual revenue as a result of the fees paid to the City for vehicles towed for the misuse of disabled placards. Owners of towed vehicles are required to pay \$120 in order to retrieve their vehicles from City Tow, Inc., which has a contract with the City. Of this \$120 tow charge, City Tow collects and submits \$45 per vehicle to the DPT, \$30 of which pays for DPT's operating expenses for the towing program and \$15 of which accrues to the General Fund. City Tow retains the remaining \$75 of the \$120 tow charge for itself and its subcontractors. Of the \$22,500 (500 vehicles times the \$45 submitted per towed vehicle to the DPT equals \$22,500), \$7,500 (500 vehicles times \$15) will go directly to the General Fund and \$15,000 (500 vehicles times \$30) will go

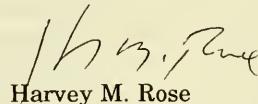
Memo to Rules Committee
February 20, 1996 Rules Committee Meeting

directly to the DPT to pay for operating expenses for the towing program.

According to Mr. Newlin, no additional operating costs will be incurred by the DPT as a result of the implementation of Vehicle Code Section 22511.57, because the DPT would be able to utilize existing staff to enforce the proposed ordinance, as well as continue to utilize the Department of Motor Vehicles' (DMV) computer-based information system, which is used to track disabled placard information.

Mr. Newlin advises that another benefit of this proposed ordinance would be the confiscation of placards that are lost or stolen or issued to a person who has since deceased. The proposed ordinance would enable the DPT to confiscate the invalid placards from violators when they retrieve their vehicle from impoundment. Under the current ordinance, vehicles are not towed, citations are issued only, and the invalid placards continue to be used by violators.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Migden
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Chief Administrative Officer
Controller
Sam Yockey
Paul Horcher
Ted Lakey

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CALENDAR

3/5/96

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

MAR 01 1996

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, MARCH 5, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: JONI BLANCHARD

* * * * *

Disability Access



Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #5 Fulton, #21 Hayes, #42 Downtown Loop, #47 Van Ness and #49 City College lines and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 308 staff.

The following services are available on request 48 hours prior to the meeting or hearing:
For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, MARCH 5, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: SUPERVISORS SHELLEY, LEAL, AMMIANO

CLERK: JONI BLANCHARD

1. File 33-96-2. [Appointment, Port Commission] Resolution confirming Mayor's appointment of James R. Herman to the San Francisco Port Commission, term to expire May 1, 1999, vice Anne Halsted, term expired. (Mayor)

ACTION:

2. File 92-96-8 [Appointment, Developmental Disabilities Area Board V] Hearing to consider appointing member to the Developmental Disabilities Area Board V, vice Barbara Turner (Seat No. 21901 - public-at-large), term expired December 31, 1995, for a new three-year term ending December 31, 1998. (Clerk of the Board)

Applicant: Michael E. Grafton

ACTION:

3. File 92-94-27.S [Appointment/Maternal, Child & Adolescent Health Board] Hearing to consider appointing member to the Maternal, Child and Adolescent Health Board, Judith Levine (Seat No. 22813 - must be nutritionist), term expired, for a new three-year term ending August 31, 1998. (Clerk of the Board)

Applicant: Judith Levine

ACTION:

4. File 121-96-S.1. [Tour Bus Restrictions] Ordinance amending Police Code adding Section 1183.27 to prohibit tour buses on 15th Avenue from Lake to the Presidio. (Supervisors Shelley, Yaki, Bierman)

ACTION:

5. File 233-96-1. [Lobos Creek Conservation] Resolution urging the Mayor to urge the Planning Commission to exercise its discretionary review authority to conduct public hearings on certain permit applications, subject to specified exceptions, for property within a Lobos Creek Conservation Area, to create a permanent program for review of certain land use activities on property within this Conservation Area, and to work with city agencies, commissions, and departments and the federal government to exercise management practices that protect Lobos Creek from governmental activities, and requesting the Department of City Planning to provide a report on the establishment of a discretionary review process for certain permit applications within this Conservation Area. (Supervisor Shelley)

ACTION:

6. File 92-95-48. [Appointments, Telecommunications Policy Committee] Hearing to consider appointing members to the Telecommunications Policy Committee, vice Edd Dundas (Seat No. 21605 – public-at-large), vice Carol C. Hull (Seat No. 21606 – public-at-large), Sybil Boutilier (Seat No. 21607 – public-at-large), Byron Rhett (Seat No. 21608 public-at-large), Carole Roberts (Seat No. 21609 – must represent television production), terms expired February 1, 1995, for new two-year terms ending February 1, 1997. (Clerk of the Board)

Applicants: Sybil Boutilier

Paul F. Lorch
Phillip Brown
Carole Roberts
Michael B. Freeman
Byron Rhett

ACTION:

7. File 92-96-7. [Appointments, Mission Armory Task Force] Hearing to consider appointing three members to the newly established Mission Armory Task Force. (Supervisors Leal, Ammiano)

Applicants: Ross Worden

Dorothy Merson
David A. Bahlman
Juan J. Pifarre
Georgiana Hernandez
Raquel Medina
Bruce Bonacher
Bjorn Olson
Suzanne Marie F. McCoy
Patrick Buscovich
Thomas Y. Christian
Sandra I. Vivanco

ACTION:

8. File 193-96-1. [Mission Dolores Soccer Field] Hearing to consider the progress of the Mission Dolores soccer field. (Supervisor Leal)

ACTION:

RULES COMMITTEE
Board of Supervisors
City & County of San Francisco
401 Van Ness Avenue, Room 308
San Francisco, CA 94102

IMPORTANT HEARING NOTICE!!!

Bill Lynch
Documents Section
Public Library-Main Branch
Civic Center

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3/5/96

Public Library, Documents Dept.

Attn: [REDACTED]

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS
BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

March 1, 1996

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst Recommendations for meeting

MAR 06 1996

SUBJECT: March 5, 1996 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 8 - File 193-96-1

Note: This item was continued by the Rules Committee at its meeting of February 6, 1996.

Item: This item is a hearing to consider the progress of the Mission Dolores soccer field.

Comments: **Overview:** The FY 1993-94 Open Space and Park Renovation Program included \$300,000 to develop a practice field for youth soccer at Mission Dolores Park. After a series of public meetings, in April of 1994 the Recreation and Park Commission selected a plan for the field, and authorized the Department of Public Works (DPW) to prepare specifications and bid documents, and proceed with selection of a contractor and construction of the soccer field. The dimensions of the soccer field are 190 feet by 270 feet (51,300 square feet). According to the construction contract, the project was scheduled for completion by July 31, 1995. As of the writing of this report, DPW had not yet formally accepted the project as complete. The DPW and Recreation and Parks Department (RPD) were engaged in negotiations with the contractor, Angotti and Reilly, to correct various problems with the condition of the turf. (See the section on Current Project Status below.)

Experience Requirements of Bidders: Mr. John Thomas of the DPW Bureau of Engineering advises that, because the soccer field project involved multiple trades, such as excavation, irrigation and landscaping, State law required that the general contractor have a Class A General Engineering Contractor's License. In addition, in accordance with State law, bidders were required to show that the firm doing the planting and irrigation work had a Class C-27 Landscaping Specialty License. In addition, the DPW required that the bidder have completed at least two automatic irrigation systems larger than 90,000 square feet in area within the past five years. The installer of the lawn hydroseeding was required to provide that, "only qualified and competent workmen with a minimum two years work experience of same hydroseeding installation shall work on the job." Hydroseeding is a process in which seeding is accomplished through spraying the field area.

However, Mr. Thomas reports that DPW did not require the bidders to have experience in the installation of athletic fields. Mr. Thomas states that DPW did not require evidence of such experience because the Mission Dolores Park soccer field was not considered to be a complex project, requiring specialized experience.

Soil Testing and Landscape Maintenance Specifications: Mr. Thomas states that the bid specifications required the contractor to obtain soil tests, and to amend (treat) the soil in accordance with any recommendations made by the testing laboratory. Soil amendment (treatment) involves enhancing the nutrient content of the soil.

According to Mr. Jim Delfino, Director of Turf Management at the RPD, the soil should be a consistent mix of clay and organic matter at least four to five inches deep throughout the soccer field in order for the field to be usable. According to Mr. Sherman Hom of the DPW, the bid specifications called for a six-inch deep soil mix.

The bid specifications also called for the contractor to comply with a 60-day landscape maintenance program to achieve "plant establishment" prior to final acceptance of the project. The section of the specifications pertaining to this landscape maintenance program, including descriptions of field quality control procedures and progress maintenance observations to be made by the DPW Engineer prior to final acceptance of the project is shown as Attachment No. 1 to this report.

Construction Contract Award: The contract for construction of the soccer practice field at Mission Dolores Park was awarded by the DPW to the firm of Angotti & Reilly, Inc. as a result of a competitive bidding process, on January 25, 1995. The DPW received two bids on the project. The firm of Angotti & Reilly, Inc. bid \$185,000, and the firm of Lemings Irrigation, Inc. bid \$173,826. Although Angotti & Reilly, Inc. is neither an MBE nor a WBE firm, it is a locally-owned business (LBE). The firm of Lemings Irrigation is neither an MBE, WBE nor an LBE. Because the Angotti & Reilly, Inc. bid was less than 10 percent higher than the low bidder (Lemings Irrigation, Inc.), Angotti & Reilly, Inc. was awarded the contract based on the LBE preference.

The construction contract was awarded according to the following breakdown of costs between the prime contractor, Angotti & Reilly, Inc. and the subcontractors to Angotti & Reilly, Inc.:

<u>Firm</u>	<u>MBE/WBE</u>	<u>Type of Work</u>	<u>Contract Amount</u>
Angotti & Reilly, Inc.	LBE	General Contractor	\$52,600
Rosa's Construction	MBE	Excavation	30,500
Advanced Landscaping	None	Irrigation	66,900
Greenleaf Truck	WBE	Trucking	12,000
Cence Landscape	WBE	Hydroseed Maintenance	23,000
Total Construction Contract			\$185,000

DPW officials state that the contractor and subcontractors met the State licensing and experience requirements outlined above. However, as noted above, the firms were not required to have specific experience in the installation of athletic fields.

Project Budget: Ms. Joanne Wilson of the RPD reports that the current estimated total project costs, including the actual construction bid amount, are summarized as follows:

<u>Item</u>	<u>Amount</u>
Construction Contract	\$185,000
Construction Contingency (10%)	18,500
DPW Bureau of Engineering, preliminary planning, design and bid preparation. (613 hrs. @ \$45.52 per hour)	27,904
DPW Bureau of Construction Management. (638 hrs @ \$50.94 per hour)	32,500
Unassigned	6,096
Total Project Budget	\$270,000

Memo to Rules Committee
March 5, 1996 Rules Committee Meeting

Mr. Don Munakata of the DPW states that, as of the writing of this report, of the total contract amount of \$185,000, Angotti & Reilly, Inc. has been paid a total of \$166,963 by the DPW. A balance of \$18,037 of the \$185,000 construction contract has been encumbered by the DPW, but has not been paid by the City to Angotti & Reilly, Inc. According to Mr. Munakata, the DPW is negotiating with the contractor regarding those items not in compliance with the bid specifications (see below) and for liquidated damages (a fine against the contractor based on the number of days the project was behind schedule). As of the writing of this report, the amount of the fines to be paid by the contractor has not been determined. Mr. Munakata advises that the fine would not exceed the \$18,037 unpaid balance of the contract. According to Mr. Hom, the DPW will meet with the contractor on Monday, March 4, 1996 to negotiate a resolution to the defective work and fines.

Mr. Munakata reports that no additional costs have been incurred in regard to this project since the February 6, 1996 Rules Committee Meeting. As of the writing of this report, costs of \$32,507 had been incurred of the \$27,904 budgeted for the DPW Bureau of Engineering, or a cost overrun of \$4,603. In addition, as of the writing of this report, a total of \$36,144 has been incurred of the \$32,500 budgeted for the DPW Bureau of Construction Management, or a cost overrun of \$3,644. The additional \$8,247 (\$4,603 plus \$3,644) needed to cover the cost overruns incurred by the DPW would be paid from the unassigned portion of the original budget (\$6,096) and from the \$18,500 contingency (\$2,151).

Ms. Wilson states that the Open Space Fund has a balance of \$30,000 (the \$300,000 originally budgeted for the project less the \$270,000 currently budgeted) listed under this project. In addition, Mr. Munakata advises that, as of the writing of this report, \$16,349 of the construction contingency is unexpended (\$18,500 less \$2,151). A total of \$64,387 (\$30,000 plus \$16,349 plus the \$18,038 in potential fines against the contractor) is therefore potentially available for further work on this project, if additional City funds are required.

Construction Period: As previously stated, the original estimated completion date for this project was July 31, 1995. DPW could not provide a current estimate of the completion date because DPW reports that this depends upon the course of action that is selected by the DPW and the RPD, as discussed in the section on Current Project Status. Mr. Wallace Wong of the DPW's Bureau of Construction

Memo to Rules Committee
March 5, 1996 Rules Committee Meeting

Management states that DPW staff monitored all phases of installation of the soccer field. Mr. Wong reports that the construction schedule fell behind initially by approximately two months because Angotti & Reilly, Inc. had to replace more of the topsoil than was anticipated and due to inclement weather. In addition, Mr. Wong reports that the first hydroseeding did not adequately germinate, so the hydroseeding process was repeated, causing further delays. Mr. Wong advises that such problems were exacerbated by trampling of the field by park users that has occurred despite the installation of a fence by Angotti and Reilly, Inc. Mr. Wong states that the landscape maintenance period has been extended two times in order to correct such deficiencies. As previously noted, the DPW is seeking liquidated damages against the contractor, not to exceed \$18,038, because of these delays.

Final Acceptance: According to Mr. Wong, on December 18, 1995 representatives of the DPW, RPD and Angotti and Reilly, Inc. participated in a Final Inspection of the soccer field. At that time, the DPW and RPD officials indicated verbally to representatives of Angotti and Reilly, Inc. that the project would be accepted by the City as soon as a few minor items were corrected. However, Mr. Wong reports that the DPW did not finalize the paperwork to issue a Final Certificate of Completion because representatives from the Mission Youth Soccer League and other soccer officials wanted to inspect the soccer field on December 28, 1995. As of the writing of this report, the project has not been formally accepted as complete by the City. Mr. Wong presently states that a Certificate of Completion will not be issued until a DPW and RPD inspection confirms that the contractor has satisfactorily complied with the plans and specifications. As noted above, the DPW will be meeting with the contractor on Monday, March 4, 1996.

Inspection by Soccer League: On December 28, 1995 officials of the Mission Youth Soccer League (MYSL), the Federation International de Football and the California Youth Soccer Association inspected the Mission Dolores Park soccer field. Mr. Sean Sweeney and Mr. Luis Ensina of the RPD, and a representative from the Office of Supervisor Leal attended the inspection. Also on December 28, 1995, the Secretary of the Mission Youth Soccer League submitted a letter to the RPD, the DPW, the contractor and Supervisor Leal listing problems with the field, and stating that, "The deficiencies in the Dolores Park Soccer Field identified herein must be repaired before we can allow youth covered by California Youth Soccer Association (CYSA) liability and medical

BOARD OF SUPERVISORS
BUDGET ANALYST

insurance to use the field." A copy of this letter is shown as Attachment No. 2 to this report.

Mr. Sweeney, who had not represented the RPD in prior inspections of this project, states that the surface of the field is not uniform, and that the top layer of soil has very heavy organic content, which can result in an inadequate supply of nitrogen to support the turf. Mr. Sweeney further states that the turf is stressed in various places. A memo prepared by Mr. Sweeney outlining his analysis of the deficiencies of the soccer field is shown as Attachment 3 to this report. DPW officials concur, based on their independent soil testing, that the soil mix in the soccer field is not consistently six inches, as required by the bid specifications. A memo from Mr. Thomas of the DPW, responding to the deficiencies cited in Mr. Sweeney's memo, is shown as Attachment 4 to this report.

The firm of Angotti and Reilly, Inc. disagrees with the deficiencies cited by Mr. Sweeney and the Mission Youth Soccer League. Mr. James Reilly of Angotti and Reilly states that the soccer field was accepted by the DPW and the RPD on December 18, subject to mowing that was done on December 28. In response to the Budget Analyst inquiries, Mr. Reilly responded that, "We have tentatively agreed to do some additional maintenance work subject to DPW and the RPD agreeing to have us do it." Mr. Reilly further states that, "The field is not unsafe. We have built it as per the specifications. Our work was supervised by the City."

Current Project Status: Previously, the RPD and the DPW agreed that three conditions must be corrected before the soccer field can be used: (1) create an even slope (three percent) throughout the field to provide adequate drainage; (2) create an even mix of organic and clay matter six inches deep throughout the field; and (3) ensure that the grass is adequately established to avoid holes. The DPW has solicited proposals from three separate contractors since the February 6, 1996 Rules Committee Meeting. Based on the proposals received from these contractors, the DPW determined that the best course of action would be to sod the field with Bermuda grass (a durable grass) after leveling the field and soil mixing has been completed. The DPW met with community representatives, representatives of the Recreation and Park Department, and a representative of Supervisor Leal's Office on February 28, 1996. Mr. Hom advises that the representatives at the meeting agreed with the plan to sod with Bermuda grass. According to Mr. Hom, the DPW's next step will be to prepare a finalized

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
March 5, 1996 Rules Committee Meeting

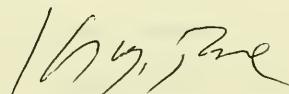
scope of work and solicit proposals from private contractors for this work.

The cost of the proposed corrective actions has not yet been determined. However, it is anticipated that the cost of leveling the soccer field, mixing the soil and sodding would be supported by the \$64,387 in available funds, as shown in the Project Budget section, above. Mr. Munakata advises that no new estimated completion date for the Mission Dolores soccer field has been established.

Status of Certificate of Completion: According to Mr. Munakata, the DPW has determined that the contractor has not fully complied with the bid specifications, as follows:

1. the irrigation system is incomplete; and
2. the northeast corner of the field is not graded in accordance with the contract documents to provide adequate drainage (the remainder of the field is adequately graded).

The DPW will not issue a Certificate of Completion until appropriate resolution for these items are determined, not to exceed \$18,038, as noted above.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Migden
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Chief Administrative Officer
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Sam Yockey
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Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

Excerpt from Specifications

SECTION 02990 LANDSCAPE MAINTENANCE

PART 1 GENERAL

1.01 SECTION INCLUDES

- A. Furnishing and implementing a complete landscape maintenance program. Maintain all planting areas from time of delivery, through the sixty (60) calendar days Plant Establishment Period and Final Acceptance, in accordance with SSDPWSF, Sections - 1008.04 and 1008.10. The Work includes but is not limited to:
1. The watering, cultivating, fertilizing, and weeding of all the areas in this contract.
 2. Contractor is to take all necessary measures to keep turf areas and plants pest and disease free and in thriving condition.
 3. Restoration of finish grades by replenishing planting areas with soil; replacing eroded soil, or soil made sterile by herbicidal application, with approved amended topsoil taking precautions as necessary to prevent windburn damage.

1.02 RELATED SECTION

- A. Section 02950 - Lawn Hydroseeding

1.03 REFERENCES

- A. SSDPWSF - Section 1008 - Maintenance And Plant Establishment

1.04 SCHEDULE

- A. Submit a proposed maintenance work schedule to the Engineer in writing for review at least 30 calendar days prior to commencement of maintenance work. All maintenance work shall be done at times approved by the Engineer so as not to conflict with the operation of the project.

1.05 PROTECTION

- A. Protect planting areas against damage during the Plant Establishment Period.

- B. Maintenance also includes temporary fences, barriers, and signs as required for protection.
- B. The Contractor shall treat or replace any plantings which become damaged or injured, as directed by the Engineer at no additional cost to the City.

1.06 FERTILIZATION

- A. Including but not necessarily limited to the following applications:

1. All Lawn Areas: 16-6-8 fertilizer at the rate of 7 pounds per 1000 square feet, 30 days after installation.
2. Apply 16-6-8 fertilizer at 45 day intervals after the 30 day application until lawn areas become well established.

PART 2 PRODUCTS

Not used

PART 3 EXECUTION

3.01 FIELD QUALITY CONTROL

- A. Perform Site Observations for establishing the 60-day Maintenance Period and observing completion of the work of this Section through Final Acceptance. A minimum of three separate field visits, occurring chronologically as follows:
 1. Observation for Maintenance at Commencement,
 2. 30-day Progress Maintenance Observation,
 3. Observation for Final Acceptance.
- B. Observation for Maintenance Period Commencement: Request observation by Engineer after all plant material is installed and after all irrigation work and other work of this Section is completed. Maintenance Period shall begin upon observation and review by the Engineer and shall continue for a minimum of 60 calendar days until Final Acceptance.

3.02 PROGRESS MAINTENANCE OBSERVATIONS

- A. General: Notify the Engineer 30 days after commencement of Landscape Maintenance Period for a Progress Maintenance Observation. All items determined to be deficient during the previous observation shall be

completed prior to the meeting. Failure to do so may result in an extension of the Maintenance Period. In addition, prior to first Progress Maintenance Observation, furnish the Engineer with the following information:

1. All supplier invoices for the nursery stock, seed, commercial fertilizers, soil amendments, mulches and herbicides as shown and specified and as installed.
 2. Maintenance schedule for fertilization, and irrigation for all planting areas.
- B. Failure to provide the above submittals may result in the re-scheduling of the Progress Maintenance Observations and to extend the 60-Day Maintenance Period.
- C. Notify the Engineer in writing, prior to any of the Progress Maintenance Observations of any conditions which may impede proper plant establishment and/or growth.
- D. Final Maintenance Observation: Notify the Engineer 30 days after commencement of the Plant Establishment Period for Final Maintenance Observation. Prior to this observation, all items determined to be deficient during the Progress Maintenance Observations shall be completed and signed off by the Engineer.

3.03 FINAL ACCEPTANCE

- A. General: Work under this Section will be accepted by the Engineer upon satisfactory completion of all work of this Section, Section 02923, Landscape Grading, and Section 02950, Lawn Hydroseeding; and Section 02810, Automatic Irrigation System, including the sixty (60) calendar-day Maintenance Period.
- B. Termination of Observation: During the Final Acceptance Observation, any landscape item previously identified as deficient in the Progress Maintenance Observations and determined by the Engineer to be still

deficient, shall automatically terminate the Final Observation and result in the extension of the Maintenance Period an additional 30 days.
Additional costs associated with subsequent Observations that are required as a result of the Contractors failure to correct deficient items shall be paid by the Contractor. There shall be no conditional final acceptance agreement for any work.

END OF SECTION 02990

Mission Youth Soccer League (MYSOL)

c/o: Andrew L. Solow
647. Shotwell Street
San Francisco, CA 94110
voice(415)824-8114 fax(415)824-8115

December 28, 1995

City and County of San Francisco
Department of Recreation & Parks
McLaren Lodge Field & Stanyan Streets
San Francisco, CA 94117
Attention: Phil Arnold, Sean Sweeney,
& Mike Morlin

City and County of San Francisco
Bureau of Engineering
1650 Mission Street 2nd Floor
San Francisco, CA 94103

Angotti & Reilly
325 Fremont Street
San Francisco, CA

Attention: Sherman Hom & Brian Gatter
Honorable Supervisor Susan Leal
Interim City Hall
401 Van Ness Avenue
San Francisco, CA 94102
Attention: Gabriela Espinosa

Attention: Kevin Reilly
Subject: Dolores Park Soccer Field

Dear Mr. Arnold et al,

On Thursday, December 28, 1995 at 3:30 PM, The Mission Youth Soccer League inspected the Dolores Park Soccer Field. The following people were in attendance:

Federation International de Football (FIFA)

Fernando Alvarez, FIFA Assessor - (Mr. Alvarez is the second highest ranking FIFA official in the United States and has been intimately involved in both youth and professional soccer for over 40 years.

California Youth Soccer Association (CYSA)

Cary Jones, Commissioner - CYSA District I (San Francisco & San Mateo counties)

Mission Youth Soccer League (MYSOL)

Juan J. Gonzalez, Vice-President
Andrew L. Solow, Secretary

SF Recreation & Parks Department

Sean Sweeney, Acting Assistant Superintendent of Parks
Luis Ensina, Assistant Recreation Director

The Offices of Supervisor Susan Leal
William Ambrun

MYSL to Arnold et al - 12/28/95

re: Dolores Park Soccer Field

Page 2

Attachment 2
Page 2 of 2Dolores Park Soccer Field Inspection Report - 12/28/95

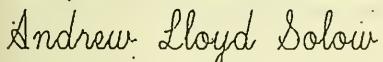
Subsequent to the physical inspection of the Dolores Park Soccer Field, Fernando Alvarez (FIFA), Cary Jones (CYSA), and Juan Gonzalez (MYSL) concurred on the following:

- 1) The Dolores Park Soccer Field is NOT in playable condition and is NOT safe for use by children, NOT even for practice.
- 2) Numerous sections of turf are uneven or missing entirely. The proximity of these unfoliated areas to areas covered by thick mature grass creates an irregular surface which is a tripping hazard, particularly for children.
- 3) There are several soft spots or water collection points in the field resulting from insufficient or improper drainage. There are also several small deep holes in the field.
- 4) Use of the Dolores Park soccer field at this time would severely damage the field exacerbating the existing problems and making the field much more difficult to repair.
- 5) The Dolores Park Soccer Field must be repaired before it is used.

As I previously indicated in my letter of December 21, 1995, it is not necessary to create a surface which is as smooth as the top of a pool table. However, in its current poor condition, the field constitutes a safety hazard and is unsafe for use by children.

The deficiencies in the Dolores Park Soccer Field identified herein must be repaired before we can allow youth covered by CYSA liability and medical insurance to use the field.

Thanks for your patience and consideration. Happy Holidays!



Andrew L. Solow, Secretary - MYSL

City and County of San Francisco

Recreation and Park Department



MEMO

DATE: December 28, 1995

TO: Sherman Hom
DPW Dept. of Engineering

FROM: Sean Sweeney
Acting Asst. Superintendent of Parks & Squares

SUBJECT: MISSION DOLORES SOCCER FIELD INSPECTION AND WALK-THROUGH
3:30 p.m., 12-28-95

Andy Solo (Secretary, Mission Youth Soccer League), Cary Jones (Commissioner/District 1, California Youth Soccer Association), Bill Ambrunn (Supervisor Leals' Office), Assessor Fernando Alvarez (Federation International de Football - FIFA), Juan Gonzalez, (Mission Youth Soccer Vice President), Louis Azucena (Assistant Recreation Director San Francisco Recreation and Parks Dept.), and Sean Sweeney (Acting Assistant Superintendent of Parks and Squares, San Francisco Recreation and Parks Department).

Assessor Fernando Alvarez says that the field is not in playable condition. He feels that if the field is used in its present condition it will become damaged and in worse shape. The main problems are that the turf is uneven, there are obvious drainage problems, there are numerous holes in the field without mature turf, and areas without any turf at all. Mr. Alvarez feels that the quick remedy would be to use sod to fill the seeded areas that are not to grade.

Mr. Alvarez feels that the size of the field is perfect -- no problem for under 16 year old soccer players. Consensus of the group is that the field is not far from being acceptable, but is not yet complete.

Observations:

1. There are numerous holes in the field surface.
2. There are drainage problems around sprinkler heads and in some random sections of the playing surface.
3. Uneven field toward NE quarter of field. Facing Mission High School from East end of field, there are undulations in the playing surface.
4. There are clumps of mature Rye turf next to newly-seeded areas which pose a tripping hazard.
5. There are some abrupt holes in the field; a few of the sprinkler heads are too high.
6. Field measured out at 260 feet. Andy Solo stated that it should be 270 feet.

The main concern of the group is that the field has to be fixed when it hasn't even been used yet.

c: Phil Arnold
Joanne Wilson

0414N

Mike Morlin
Dennis Neal

McLaren Lodge, Golden Gate Park
Fell and Stanyan Streets

FAX: (415) 666-3330
Information: (415) 666-7200
TDD: (415) 666-7043

San Francisco 94117

City and County of San Francisco



MEMORANDUM

TO: Eve Sternberg, Budget Analyst's Office

FROM: *JT* John Thomas, Acting Manager
Landscape Architecture Section

DATE: January 12, 1996

SUBJECT: Dolores Play Field

Per your request, the following actions are to be taken with respect to Sean Sweeney's memo of December 29, 1995. Mr. Sweeney's observations are shown in italics.

1. *There are numerous holes in the field surface.* Adjustments to the grades will be performed as required to fill minor depressions generally caused by dog activity.
2. *There are drainage problems around sprinkler heads and in some random sections of the playing field.* A survey shall be conducted to determine if the field is sloped to drain in accordance with the contract documents. In addition, the soil shall be probed to determine if the soil amendments were thoroughly mixed to the proper depth. (It should be noted that on the day of the site inspection, in question, the field was saturated as a result of eight inches of recent rain fall).
3. *Uneven field toward NE quarter of field.* The survey shall determine if the field in this area does not comply with the contract documents. Any unevenness will be corrected.
4. *There are clumps of mature Rye turf next to newly-seeded areas which pose a tripping hazard.* The field shall be mown to even-out the turf.
5. *There are some abrupt holes in the field; a few of the sprinkler heads are too high.* Any abrupt holes will be filled. The sprinkler heads will be adjusted down as required.
6. *Field measured out at 260 feet, Andy Solo stated it should be 270 feet.* Previous surveys indicate the field is the correct dimension. The upcoming survey will verify.

db

cc: Don Munakata Sherman Hom
Nelson Wong Brian Gatter

SF
S90.84
#1
3/19/96

CALENDAR

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

MAR 13 1996

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, MARCH 19, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

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For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.
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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

REGULAR CALENDAR

1. File 92-94-27.6. [Appointment/Maternal, Child & Adolescent Health Board] Hearing to consider appointing member to the Maternal, Child and Adolescent Health Board, terms expired vice Sari J. Wade (Supervisor Migden, Seat No. 22815), term expired, for new three-year term ending August 31, 1998. (Clerk of the Board)

Applicant: Jeanine M. Bianco

ACTION:

2. File 92-93-60.5. [Appointments, Airport Noise Committee] Hearing to consider appointment of member to the Airport Noise Committee, vice Mark Young (Supervisor Migden - Seat No. 20517), term expired, for new three-year terms ending September 30, 1996. (Clerk of the Board)

Applicant: Catherine Murphy

ACTION:

3. File 92-96-8 [Appointment, Developmental Disabilities Area Board V] Hearing to consider appointing member to the Developmental Disabilities Area Board V, vice Barbara Turner (Seat No. 21901 - public-at-large), term expired December 31, 1995, for a new three-year term ending December 31, 1998. (Clerk of the Board)
(Consideration continued from 3/5/96)

Applicant: Michael E. Grafton

ACTION:

4. File 92-96-14. [Appointment, National Service Blue Ribbon Commission] Hearing to consider appointing member to the National Service Blue Ribbon Commission, vice Gabriela Melano (Supervisor Migden - Seat No. 20410), term expired June 30, 1995, for a new two year term ending June 30, 1997. (Clerk of the Board)

Applicant: Julie Tremont

ACTION:

5. File 92-96-1. [Appointments, Advisory Council to Commission on the Aging] Hearing to consider appointment of members to the Advisory Council to the Commission on the Aging, Marian Levy (Seat No. 20301 - must be nominee of Supervisor Shelley), John J. Horak (Seat No. 20302 - must be nominee of Supervisor Migden), Florence Edelman (Seat No. 20303 - must be nominee of Supervisor Kaufman), vice Fran Watkins (Seat No. 20304 - must be nominee of Supervisor Yaki), Lena M. Leong (Seat No. 20305 - must be nominee of Supervisor Hsieh), Reeva Olson (Seat No. 20306 - must be nominee of Supervisor Bierman), Daisie Flor V. Harrison (Seat No. 20307 - must be nominee of Supervisor Leal), terms expiring March 31, 1996, for new two-year terms ending March 31, 1998. (Clerk of the Board)

Applicants: Reeva Olson (Supervisor Bierman, Seat No. 20306)
John J. Horak (Supervisor Migden, Seat No. 20302)
Florence Edelman (Supervisor Kaufman, Seat No. 20304)
Lena M. Leong (Supervisor Hsieh, Seat No. 20305)

ACTION:

6. File 54-96-2. [Call-in Telephone System] Resolution declaring it to be a policy of the City and County of San Francisco that the capability for a call-in telephone system for Board meetings be developed and instructing the Clerk of the Board to oversee the implementation of a call-in telephone system. (Supervisor Shelley)

ACTION:

7. File 121-94-10. [Vehicle Alarms] Substitute ordinance amending Police Code Section 3703 to decrease the length of time an audible vehicle alarm system may sound. (Supervisors Shelley, Alioto)

ACTION:

8. File 30-96-5. [Renaming Health Centers] Resolution renaming Health Centers #1, #3, #4 and #5 to the Castro-Mission Health Center, the Silver Avenue Family Health Center, the Chinatown Public Health Center and the Ocean-Park Health Center, respectively. (Supervisors Shelley, Alioto)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE!!!

Bill Lynch
Documents Section
Public Library-Main Branch
Civic Center
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#3
3/19/96

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

March 15, 1996

TO: Rules Committee DOCUMENTS DEPT
FROM: Budget Analyst Recommendations for meeting of MAR 19 1996
SUBJECT: March 19, 1996 Rules Committee Meeting SAN FRANCISCO
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Item 6 - File 54-96-2

Item: Resolution declaring it to be a policy of the City and County of San Francisco that the capability for a call-in telephone system for Board meetings be developed and instructing the Clerk of the Board to oversee the implementation of a call-in telephone system.

Description: The Office of the Sponsor of the proposed legislation advises that the purpose of the proposed call-in telephone system is to provide a method by which public participation and awareness with respect to Board of Supervisors meetings can be increased. According to the Office of the Sponsor of the proposed legislation, the proposed call-in telephone system would potentially be modeled after a call-in telephone system currently used by the City Council of the City of Sacramento.

The proposed call-in telephone system would initially be established to allow members of the public to call in and make public comments during the Monday meetings of the full Board of Supervisors under the Public Comment item on the Board's calendar. According to the Office of the Sponsor of the proposed legislation, the call-in telephone

Memo to Rules Committee
March 19, 1996 Rules Committee Meeting

system could potentially be expanded to include Committee meetings of the Board of Supervisors at some future date.

Mr. John Taylor, Clerk of the Board, advises that the Clerk of the Board's Office is working with the Department of Electricity and Telecommunications (DET) in the development of the proposed call-in telephone system. Mr. Jim Goebel of the DET advises that he is currently analyzing the type of equipment that would be needed to implement the proposed call-in telephone system. Mr. Goebel reports that he is proposing that representatives of the DET, the Clerk of the Board's Office and any interested Board members and/or their Aids, visit the site of the City of Sacramento's call-in telephone system in order to better assess the type of system that would meet the requirements of the Board of Supervisors.

Comments:

1. Mr. Goebel states that since the DET and the Clerk of the Board's Office are only at the preliminary stages of determining the type of call-in system that would be required, the Departments are unable, at this time, to provide an estimate of the cost of the proposed call-in system.
2. The Attachment obtained from the City of Sacramento describes the call-in telephone system now utilized by the City Council of the City of Sacramento.

Recommendation:

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



OFFICE OF THE
CITY CLERK

VALERIE A. BURROWES, CMC/AAE
CITY CLERK

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 501
915 I STREET
SACRAMENTO, CA
95814-2671

ADMINISTRATION
TEL 916-264 5799
FAX 916-264 7672

MEMORANDUM

TO: SANDY BROWN-RICHARDSON,
OFFICE OF THE BOARD OF SUPERVISORS

FROM: VALERIE BURROWES,
CITY CLERK, CITY OF SACRAMENTO

RE: CITY COUNCIL CALL-IN

DATE: MARCH 15, 1996

CITY COUNCIL MEETING CALL-IN PROGRAM

The service currently provided the citizens is this:

As part of our evening agenda, we have located, at the end of the agenda, an area where citizens are invited to address the City Council on matters NOT listed on the agenda. This is the time where members of the audience may take the podium for a maximum period of three (3) minutes. Our 'call-in' program is tagged onto this section of the agenda and callers are given 3 minutes.

Because our meetings are broadcast live on our local government channel, our viewing audience has grown and we are aware that it is quite large. The thrust of the Mayor and Council since taking office in 1992 has been for an expanded neighborhood outreach; to bring municipal government to the people and allow them inter-action. The question became "how do we reach the viewing audience and allow them participation"? The brainstorm became the "phone-in" program.

We have a special telephone number that is assigned for this service. For us the last four digits are "talk" which gives the viewers and potential callers an easy way to dial. Citizens may dial the 'call-in number' in order to talk to the Mayor/Council on any subject matter; could have been an item acted upon at either the afternoon or evening meeting, OR, on any subject matter NOT listed on the agenda - they are cautioned that if this is the case, the Brown Act does not allow discussion of the subject but rather the legislative body taking note of it and referring to a City office for assistance and/or possible future agendizing.

The call(s) come into our communications center which is staffed by members of our communications division during our council meetings. They have copies of my 'speaker slips'. They screen the call(s), fill in name, address and phone number of caller and 'plug' the call into the control line(s) located on the bench by the Mayor. The Mayor becomes alerted to the fact that there is a call by a line blinking (as on hold) red; when ready, the Mayor can depress the line button (just like a phone button) and says: "WELCOME CALLER, WILL YOU PLEASE STATE YOUR NAME FOR US". Due to my working controls at my station, I have plugged the call into the Chamber speakers which allows everyone to hear the caller. The Mayor advises the caller that he/she has 3 minutes.

At this point, the Mayor would thank the caller at the end of the call and sharing what, if anything, would be done with the subject matter broached (i.e. forwarded to City Manager, City Attorney or a specific department). The Mayor would then depress a second or third button (same as moving from one line to another on a phone) until all calls had been answered.

The Mayor does have controls that allows for placing a call on hold or disconnecting in case of an unwanted call due to - foul language, uncontrolled anger etc.

The phone number is advertised as follows:

- newspaper along with listing of council meeting date and time
- on our local government channel bulletin board with meeting date/time
- on front cover of our printed/circulated/mailed agenda(s)
- Mayor reads at beginning, during and point of taking calls of the meeting

I am FAXing a copy of our agenda cover as well as the last page of our agenda to show you where and how the number is advertised.

Hope this assists you. If I can answer any further questions or be of any further assistance to you please do not hesitate to let me know. Good luck!

Attachment
Page 3 of 4

- Concurrent Regular Meetings Of -
 Sacramento City Council
 Redevelopment Agency of the City of Sacramento
 Housing Authority of the City of Sacramento
 Economic Development Commission
 Parking Authority of the City of Sacramento
 Sacramento City Financing Authority

JOE BERNA, JR. Mayor

HEATHER FAROO (D-1)
Councilmember

DEBORAH ORTIZ (D-5)
Councilmember

ROB KERTH (D-2)
Councilmember

DARRELL STEINBERG (D-6)
Vice-Mayor

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
Councilmember

JIMMIE YEE (D-4)
Councilmember

SAM PANNELL (D-8)
Councilmember

City Staff

Valerie Burrowes
City Clerk

William Edgar
City Manager

Samuel Jackson
City Attorney

ANYONE WISHING TO ADDRESS THE COUNCIL SHOULD FILL OUT
 THE REQUEST TO SPEAK FORM AND PRESENT SAME TO THE CITY CLERK

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

NOTICE

new rules
 THIS CITY COUNCIL MEETING IS BEING BROADCAST LIVE THIS EVENING ON THE
 METROCABLE TELEVISION GOVERNMENT CHANNEL - CHANNEL 14. A REPLAY OF
 THIS MEETING CAN BE SEEN THIS WEEK ON SATURDAY MARCH 16, 1996 AT 7:00
 P.M. ON METROCABLE 14.

**FOR THOSE WISHING TO PHONE IN TO ADDRESS THE COUNCIL, THE NUMBER IS
 251-TALK (82551). A THREE-MINUTE TIME LIMIT IS IMPOSED ON ALL SPEAKERS
 ADDRESSING THE COUNCIL UNDER THIS HEADING.**

**FOR PURPOSES OF THE BROWN ACT (GOVERNMENT CODE SECTION 54954.2(a)), THE
 NUMBERED ITEMS AS SHOWN ON THIS AGENDA GIVE A BRIEF GENERAL DESCRIPTION
 OF EACH ITEM OF BUSINESS TO BE TRANSACTED OR DISCUSSED AT THIS MEETING.
 THE RECOMMENDATIONS OF THE STAFF, AS SHOWN, DO NOT PREVENT THE CITY
 COUNCIL FROM TAKING OTHER ACTION.**

March 12, 1996 (e)

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

Attachment
Page 4 of 4

10.0 PUBLIC HEARINGS

- 10.1 Truxel and I-80 Power Center "Natomas Marketplace" (95-074). (D-1)

RECOMMENDATION OF STAFF: CONTINUE TO MARCH 28, 1996, 7:00 P.M.

-
- 10.2 Appeal of the City Planning Commission - approval of entitlements for property located at 2636 Latham Drive (Country Day School) (PPP'd 3/5/96, item 1.8). (D-3)

RECOMMENDATION OF STAFF: CONTINUE TO MARCH 19, 1996, 7:00 P.M.

11.0 STAFF REPORTS

- 11.1 Approve appointment of Commissioners Linda Myers and Phil Harvey, with Commissioner Rita Donahue as an alternate, to the Ad Hoc Natomas Development Strategy Joint Planning Commission (continued from 1/9/96, item 11.1). (Natomas Basin, outside City Limits)

RECOMMENDATION OF STAFF: ADOPT RESOLUTION

12.0 S.H.R.A.

none

13.0 CITIZENS ADDRESSING COUNCIL AGENCY OR AUTHORITIES BY PERSONAL APPEARANCE OR TELEPHONICALLY ON MATTERS NOT ON THE AGENDA

[(For those wishing to phone in to address the Council, the number is 264-TALK (18255); a three minute time limit is imposed on all speakers addressing the Council under this heading.)]

Memo to Rules Committee
March 19, 1996 Rules Committee Meeting

Item 7 - File 121-94-10

Item: Ordinance amending Police Code Section 3703 to decrease the length of time an audible vehicle alarm system may sound.

Description: The proposed ordinance would require a vehicle's audible alarm system to be equipped with an automatic shutoff that silences the alarm within a maximum of 5 minutes from the time of activation. Currently, Section 3703 requires that vehicle alarms shut off automatically within 15 minutes, and that the alarm emitted not sound similar to the sound emitted by sirens in use on emergency vehicles. The latter provision would continue in force.

Under the proposed ordinance, the Police Department would be authorized to abate the nuisance of an alarm system that does not shut off automatically within 5 minutes by any means necessary to disconnect the vehicle alarm. However, a Police Officer would be required to attempt to contact the vehicle's owner, by telephone or otherwise, prior to disconnecting the alarm.

Section 3703 would continue the following provisions:

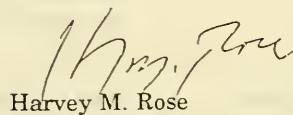
- a. The expense of disconnecting the alarm would be a lien against the motor vehicle and would be the personal obligation of the owner.
- b. A violation of the permitted alarm time would constitute an infraction punishable by a fine not to exceed \$20.

Comments:

1. According to Deputy Chief Rich Holder, the number of citations issued under the provisions of Section 3703 and the revenue generated from such violations are not separately tracked, but are included in the totals of other "miscellaneous violations."
2. Deputy Chief Holder anticipates that the Police Department can enforce the ordinance with existing staff and, therefore, does not anticipate any incremental cost increases to enforce the proposed amendment to the Police Code.

Memo to Rules Committee
March 19, 1996 Rules Committee Meeting

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Migden
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Chief Administrative Officer
Controller
Sam Yockey
Paul Horcher
Ted Lakey

S9084

CALENDAR

#1

4/1/96

Special

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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APR 01 1996

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* SPECIAL MEETING

NDAY, APRIL 1, 1996 - 1:30 P.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

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REGULAR CALENDAR

File 33-96-3. [Appointment, Federal Legislative Representative]
Resolution ratifying the Mayor's appointment of Cassidy and
Associates, as a federal legislative representative for the City and
County of San Francisco. (Mayor)

(Chair may entertain a motion to send item as a Committee Report for
consideration at Full Board Meeting of 4/1/96)

ACTION:

SF

\$90.84

3

4/1/96

Special

Public Library, Documents Dept.

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

March 29, 1996

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst *Recommendations for me*

c/o

APR 02 1996

SUBJECT: April 1, 1996 Special Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 1 - File 33-96-3

1. The proposed resolution would ratify the Mayor's appointment of Cassidy and Associates, as the federal legislative representative for the City and County of San Francisco.

2. Cassidy and Associates would replace the firm of Marilyn Berry Thompson as the City's federal lobbyist. The services of Marilyn Berry Thompson would terminate on March 31, 1996. Cassidy and Associates would then provide lobbyist services for the remainder of the current fiscal year (April through June, 1996). There will be no overlap in contract services provided for this purpose. Cassidy and Associates is headquartered in Washington, D.C. The firm is neither an MBE or WBE.

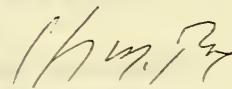
3. The cost of contractual services to be provided by Cassidy and Associates would amount to a maximum of \$125,000 annually, the same amount paid to the current contractor. The contract provides for payment of \$110,000 in monthly installments of \$9,166.67 plus documented expenses of up to \$15,000 annually.

4. The \$125,000 for federal lobbyist services is paid from regular budgeted non General Fund revenues including \$75,000 from Airport funds, \$25,000 from Hetch Hetchy and \$25,000 from the Clean Water program.

Memo to Rules Committee
April 1, 1996

Recommendation

The proposed resolution is a policy matter for the Board of Supervisors



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Chief Administrative Officer
Controller
Sam Yockey
Paul Horcher
Ted Lakey

SF

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CALENDAR

1

4/2/96

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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REGULAR MEETING

TUESDAY, APRIL 2, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #42 Downtown Loop and the #71 Haight/Noriega and the F Line to Market and Van Ness and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



P There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 308 staff.

The following services are available on request 48 hours prior to the meeting or hearing:
For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

REGULAR CALENDAR

1. File 92-96-7. [Appointments, Mission Armory Task Force] Hearing to consider appointing three members to the newly established Mission Armory Task Force. (Supervisors Leal, Ammiano)
(Consideration continued from 3/5/96)
(Chair may entertain a motion to continue this item.)

Applicants: Ross Worden
Dorothy Merson
David A. Bahlman
Georgiana Hernandez
Raquel Medina - withdrew application
Bruce Bonacher - withdrew application
Bjorn Olson
Suzanne Marie F. McCoy
Patrick Buscovich
Thomas Y. Christian
Sandra I. Vivanco

ACTION:

2. File 92-96-1. [Appointments, Advisory Council to Commission on the Aging] Hearing to consider appointment of members to the Advisory Council to the Commission on the Aging, Marian Levy (Seat No. 20301 - must be nominee of Supervisor Shelley), John J. Horak (Seat No. 20302 - must be nominee of Supervisor Migden), Florence Edelman (Seat No. 20303 - must be nominee of Supervisor Kaufman), vice Fran Watkins (Seat No. 20304 - must be nominee of Supervisor Yaki), Lena M. Leong (Seat No. 20305 - must be nominee of Supervisor Hsieh), Reeva Olson (Seat No. 20306 - must be nominee of Supervisor Bierman), Daisie Flor V. Harrison (Seat No. 20307 - must be nominee of Supervisor Leal), terms expiring March 31, 1996, for new two-year terms ending March 31, 1998. (Clerk of the Board)

Applicants: Marian Levy (Seat No. 20301 - Supervisor Shelley)
Vera Haile (Seat No. 20304 - Supervisor Yaki)

ACTION:

3. File 92-96-4. [Appointment] Resolution appointing member to the Bay Area Library and Information System Advisory Board, for the new two-year term ending December 31, 1997. (Rules Committee)
(Referred from Board Meeting of 2/26/96)

(James Chaffee, Seat No. 21301, public-at-large and underserved residents in system, vice Donna Miller Casey, term expired)

APPLICANTS: James Chaffee
Virginia Gee
Margery Blum

ACTION:

4. File 193-96-1. [Mission Dolores Soccer Field] Hearing to consider the progress of the Mission Dolores soccer field. (Supervisor Leal)
(Consideration continued from 3/5/96)

ACTION:

5. File 165-96-2. [Audit, Medical Examiner-Coroner's Office] Motion urging the Budget Analyst to give priority to conducting a comprehensive audit of the Medical Examiner-Coroner's Office upon completion of audits currently underway. (Supervisor Ammiano)

ACTION:

6. File 123-95-3. [Street Plaque Placement Procedures] Ordinance amending Public Works Code by adding Sections 789, 789.1, 789.2, 789.3, 789.4, 789.5, 789.6 and 789.7 to establish procedures for the commemoration of sites, events and persons in locations upon a public street or place. (Supervisors Ammiano, Shelley)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE!!!

Bill Lynch
Documents Section
Public Library-Main Branch
Civic Center
(41)

SF
590.84

+3

4/2/96

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

March 29, 1996

TO: Rules Committee DOCUMENTS DEPT.
FROM: Budget Analyst APR 02 1996
SUBJECT: April 2, 1996 Rules Committee Meeting SAN FRANCISCO
PUBLIC LIBRARY

Item 4 - File 193-96-1

Note: This item was continued by the Rules Committee at its meeting of March 5 1996.

Item: This item is a hearing to consider the progress of the Mission Dolores soccer field.

Comments: **Overview:** The FY 1993-94 Open Space and Park Renovation Program included \$300,000 to develop a practice field for youth soccer at Mission Dolores Park. After a series of public meetings, in April of 1994 the Recreation and Park Commission selected a plan for the field, and authorized the Department of Public Works (DPW) to prepare specifications and bid documents, and proceed with selection of a contractor and construction of the soccer field. The dimensions of the soccer field are 190 feet by 270 feet (51,300 square feet). According to the construction contract, the project was scheduled for completion by July 31, 1995. As of the writing of this report, DPW anticipates formally accepting the project as complete within ten days. The DPW and Recreation and Parks Department (RPD) were engaged

in negotiations with the contractor, Angotti and Reilly, to correct various problems with the condition of the turf. (See the section on Current Project Status below.)

Experience Requirements of Bidders: Mr. John Thomas of the DPW Bureau of Engineering advises that, because the soccer field project involved multiple trades, such as excavation, irrigation and landscaping, State law required that the general contractor have a Class A General Engineering Contractor's License. In addition, in accordance with State law, bidders were required to show that the firm doing the planting and irrigation work had a Class C-27 Landscaping Specialty License. In addition, the DPW required that the bidder have completed at least two automatic irrigation systems larger than 90,000 square feet in area within the past five years. The installer of the lawn hydroseeding was required to provide that, "only qualified and competent workmen with a minimum two years work experience of same hydroseeding installation shall work on the job." Hydroseeding is a process in which seeding is accomplished through spraying the field area.

However, Mr. Thomas reports that DPW did not require the bidders to have experience in the installation of athletic fields. Mr. Thomas states that DPW did not require evidence of such experience because the Mission Dolores Park soccer field was not considered to be a complex project, requiring specialized experience.

Soil Testing and Landscape Maintenance Specifications: Mr. Thomas states that the bid specifications required the contractor to obtain soil tests, and to amend (treat) the soil in accordance with any recommendations made by the testing laboratory. Soil amendment (treatment) involves enhancing the nutrient content of the soil.

According to Mr. Jim Delfino, Director of Turf Management at the RPD, the soil should be a consistent mix of clay and organic matter at least four to five inches deep throughout the soccer field in order for the field to be usable. According to Mr. Sherman Hom of the DPW, the bid specifications called for a six-inch deep soil mix.

The bid specifications also called for the contractor to comply with a 60-day landscape maintenance program to achieve "plant establishment" prior to final acceptance of the project. The section of the specifications pertaining to this landscape maintenance program, including descriptions of field quality control procedures and progress

BOARD OF SUPERVISORS
BUDGET ANALYST

maintenance observations to be made by the DPW Engineer prior to final acceptance of the project is shown as Attachment No. 1 to this report.

Construction Contract Award: The contract for construction of the soccer practice field at Mission Dolores Park was awarded by the DPW to the firm of Angotti & Reilly, Inc. as a result of a competitive bidding process, on January 25, 1995. The DPW received two bids on the project. The firm of Angotti & Reilly, Inc. bid \$185,000, and the firm of Lemings Irrigation, Inc. bid \$173,826. Although Angotti & Reilly, Inc. is neither an MBE nor a WBE firm, it is a locally-owned business (LBE). The firm of Lemings Irrigation is neither an MBE, WBE nor an LBE. Because the Angotti & Reilly, Inc. bid was less than 10 percent higher than the low bidder (Lemings Irrigation, Inc.), Angotti & Reilly, Inc. was awarded the contract based on the LBE preference.

The construction contract was awarded according to the following breakdown of costs between the prime contractor, Angotti & Reilly, Inc. and the subcontractors to Angotti & Reilly, Inc.:

<u>Firm</u>	<u>MBE/WBE</u>	<u>Type of Work</u>	<u>Contract Amount</u>
Angotti & Reilly, Inc.	LBE	General Contractor	\$52,600
Rosa's Construction	MBE	Excavation	30,500
Advanced Landscaping	None	Irrigation	66,900
Greenleaf Truck	WBE	Trucking	12,000
Cence Landscape	WBE	Hydroseed Maintenance	23,000
Total Construction Contract			\$185,000

DPW officials state that the contractor and subcontractors met the State licensing and experience requirements outlined above. However, as noted above, the firms were not required to have specific experience in the installation of athletic fields.

Project Budget: Ms. Joanne Wilson of the RPD reports that the current estimated total project costs, including the actual construction bid amount, are summarized as follows:

Item	Amount
Construction Contract	\$185,000
Construction Contingency (10%)	18,500
DPW Bureau of Engineering, preliminary planning, design and bid preparation. (613 hrs. @ \$45.52 per hour)	27,904
DPW Bureau of Construction Management. (638 hrs @ \$50.94 per hour)	32,500
Unassigned	<u>6,096</u>
Total Project Budget	\$270,000

Mr. Hom states that, as of the writing of this report, the total contract amount of \$185,000 will be paid to Angotti & Reilly, Inc. by the DPW within ten days. According to Mr. Hom, the DPW has completed negotiations with the contractor regarding those items not in compliance with the bid specifications (see below) and for liquidated damages (a fine against the contractor based on the number of days the project was behind schedule).

Mr. Don Munakata of the DPW reports that no additional costs have been incurred in regard to this project since the February 6, 1996 Rules Committee Meeting. As of the writing of this report, costs of \$32,653 had been incurred of the \$27,904 budgeted for the DPW Bureau of Engineering, or a cost overrun of \$4,749. In addition, as of the writing of this report, a total of \$36,144 has been incurred of the \$32,500 budgeted for the DPW Bureau of Construction Management, or a cost overrun of \$3,644. The additional \$8,393 (\$4,749 plus \$3,644) needed to cover the cost overruns incurred by the DPW would be paid from the unassigned portion of the original budget (\$6,096) and from the \$18,500 contingency (\$2,297).

Ms. Wilson states that the Open Space Fund has a balance of \$30,000 (the \$300,000 originally budgeted for the project less the \$270,000 currently budgeted) listed under this project. In addition, Mr. Munakata advises that, as of the writing of this report, \$16,203 of the construction contingency is unexpended (\$18,500 less \$2,297). A total of \$46,203 (\$30,000 plus \$16,203) is therefore potentially

BOARD OF SUPERVISORS
BUDGET ANALYST

available for further work on this project, if additional City funds are required.

Construction Period: As previously stated, the original estimated completion date for this project was July 31, 1995. DPW could not provide a current estimate of the completion date because DPW reports that this depends upon the course of action that is selected by the DPW and the RPD, as discussed in the section on Current Project Status. Mr. Wallace Wong of the DPW's Bureau of Construction Management states that DPW staff monitored all phases of installation of the soccer field. Mr. Wong reports that the construction schedule fell behind initially by approximately two months because Angotti & Reilly, Inc. had to replace more of the topsoil than was anticipated and due to inclement weather. In addition, Mr. Wong reports that the first hydroseeding did not adequately germinate, so the hydroseeding process was repeated, causing further delays. Mr. Wong advises that such problems were exacerbated by trampling of the field by park users that has occurred despite the installation of a fence by Angotti and Reilly, Inc. Mr. Wong states that the landscape maintenance period has been extended two times in order to correct such deficiencies. As previously noted, the DPW is seeking liquidated damages against the contractor, not to exceed \$18,038, because of these delays.

Final Acceptance: According to Mr. Wong, on December 18, 1995 representatives of the DPW, RPD and Angotti and Reilly, Inc. participated in a Final Inspection of the soccer field. At that time, the DPW and RPD officials indicated verbally to representatives of Angotti and Reilly, Inc. that the project would be accepted by the City as soon as a few minor items were corrected. However, Mr. Wong reports that the DPW did not finalize the paperwork to issue a Final Certificate of Completion because representatives from the Mission Youth Soccer League and other soccer officials wanted to inspect the soccer field on December 28, 1995.

As of the writing of this report, the DPW has completed negotiations with the contractor, Angotti and Reilly. Mr. Hom advises that the subject of the negotiations was the DPW's position that Angotti and Reilly owed the City \$7,030 in liquidated damages (a fine against the contractor based on the number of days the project was behind schedule), and Angotti and Reilly's position that the City owed Angotti and Reilly approximately \$42,000 as payment for extra work completed by the contractor. According to Mr. Hom, the outcome of the negotiation was that the DPW would pay the

Memo to Rules Committee
April 2, 1996 Rules Committee Meeting

contractor the full amount of the contract, at \$185,000, and no more. Prior to the negotiation, the DPW had paid the contractor \$166,963, and the unpaid balance of the contract was \$18,037. Thus, the DPW has, in essence, paid the contractor \$25,067 (\$18,037 unpaid balance plus \$7,030 in waived liquidated damages) for the extra work completed by the contractor. Mr. Hom advises that the reason the DPW settled for this amount is that the contractor provided documentation showing that there was some merit to the contractor's assertion that the extra work had been authorized by the DPW.

Inspection by Soccer League: On December 28, 1995 officials of the Mission Youth Soccer League (MYSL), the Federation International de Football and the California Youth Soccer Association inspected the Mission Dolores Park soccer field. Mr. Sean Sweeney and Mr. Luis Ensina of the RPD, and a representative from the Office of Supervisor Leal attended the inspection. Also on December 28, 1995, the Secretary of the Mission Youth Soccer League submitted a letter to the RPD, the DPW, the contractor and Supervisor Leal listing problems with the field, and stating that, "The deficiencies in the Dolores Park Soccer Field identified herein must be repaired before we can allow youth covered by California Youth Soccer Association (CYSA) liability and medical insurance to use the field." A copy of this letter is shown as Attachment No. 2 to this report.

Mr. Sweeney, who had not represented the RPD in prior inspections of this project, states that the surface of the field is not uniform, and that the top layer of soil has very heavy organic content, which can result in an inadequate supply of nitrogen to support the turf. Mr. Sweeney further states that the turf is stressed in various places. A memo prepared by Mr. Sweeney outlining his analysis of the deficiencies of the soccer field is shown as Attachment 3 to this report. DPW officials concur, based on their independent soil testing, that the soil mix in the soccer field is not consistently six inches, as required by the bid specifications. A memo from Mr. Thomas of the DPW, responding to the deficiencies cited in Mr. Sweeney's memo, is shown as Attachment 4 to this report.

The firm of Angotti and Reilly, Inc. disagrees with the deficiencies cited by Mr. Sweeney and the Mission Youth Soccer League. Mr. James Reilly of Angotti and Reilly states that the soccer field was accepted by the DPW and the RPD on December 18, subject to mowing that was done on December 28. In response to the Budget Analyst inquiries,

Mr. Reilly responded that, "We have tentatively agreed to do some additional maintenance work subject to DPW and the RPD agreeing to have us do it." Mr. Reilly further states that, "The field is not unsafe. We have built it as per the specifications. Our work was supervised by the City."

Current Project Status: Previously, the RPD and the DPW agreed that three conditions must be corrected before the soccer field can be used: (1) create an even slope (three percent) throughout the field to provide adequate drainage; (2) create an even mix of organic and clay matter six inches deep throughout the field; and (3) ensure that the grass is adequately established to avoid holes. The DPW has solicited proposals from three separate contractors since the February 6, 1996 Rules Committee Meeting. Based on the proposals received from these contractors, the DPW determined that the best course of action would be to sod the field with Bermuda grass (a durable grass) after leveling the field and soil mixing has been completed. The DPW met with community representatives, representatives of the Recreation and Park Department, and a representative of Supervisor Leal's Office on February 28, 1996. Mr. Hom advises that the representatives at the meeting agreed with the plan to sod with Bermuda grass. According to Mr. Hom, the DPW and the RPD are currently finalizing the scope of work in preparation for soliciting proposals from private contractors for this work. The RPD will be administering the contract, with DPW participation, according to Mr. Hom, including soliciting bids.

The cost of the proposed corrective actions has not yet been determined. However, it is anticipated that the cost of leveling the soccer field, mixing the soil and sodding would be supported by the \$46,203 in available funds, as shown in the Project Budget section, above. Mr. Munakata advises that no new estimated completion date for the Mission Dolores soccer field has been established.

Status of Certificate of Completion: The DPW anticipates issuing a Certificate of Completion within the next ten days, based on the outcome of negotiations with the contractor (see the Final Acceptance section of this report, above).

Excerpt from Specifications

SECTION 02990 LANDSCAPE MAINTENANCE

PART 1 GENERAL

1.01 SECTION INCLUDES

- A. Furnishing and implementing a complete landscape maintenance program. Maintain all planting areas from time of delivery, through the sixty (60) calendar days Plant Establishment Period and Final Acceptance, in accordance with SSDPWSF, Sections - 1008.04 and 1008.10. The Work includes but is not limited to:
1. The watering, cultivating, fertilizing, and weeding of all the areas in this contract.
 2. Contractor is to take all necessary measures to keep turf areas and plants pest and disease free and in thriving condition.
 3. Restoration of finish grades by replenishing planting areas with soil, replacing eroded soil, or soil made sterile by herbicidal application, with approved amended topsoil taking precautions as necessary to prevent windburn damage.

1.02 RELATED SECTION

- A. Section 02950 - Lawn Hydroseeding

1.03 REFERENCES

- A. SSDPWSF - Section 1008 - Maintenance And Plant Establishment

1.04 SCHEDULE

- A. Submit a proposed maintenance work schedule to the Engineer in writing for review at least 30 calendar days prior to commencement of maintenance work. All maintenance work shall be done at times approved by the Engineer so as not to conflict with the operation of the project.

1.05 PROTECTION

- A. Protect planting areas against damage during the Plant Establishment Period.

- B. Maintenance also includes temporary fences, barriers, and signs as required for protection.
- B. The Contractor shall treat or replace any plantings which become damaged or injured, as directed by the Engineer at no additional cost to the City.

1.06 FERTILIZATION

- A. Including but not necessarily limited to the following applications:
 1. All Lawn Areas: 16-6-8 fertilizer at the rate of 7 pounds per 1000 square feet, 30 days after installation.
 2. Apply 16-6-8 fertilizer at 45 day intervals after the 30 day application until lawn areas become well established.

PART 2 PRODUCTS

Not used

PART 3 EXECUTION

3.01 FIELD QUALITY CONTROL

- A. Perform Site Observations for establishing the 60-day Maintenance Period and observing completion of the work of this Section through Final Acceptance. A minimum of three separate field visits, occurring chronologically as follows:
 1. Observation for Maintenance at Commencement,
 2. 30-day Progress Maintenance Observation.
 3. Observation for Final Acceptance.

- B. Observation for Maintenance Period Commencement: Request observation by Engineer after all plant material is installed and after all irrigation work and other work of this Section is completed. Maintenance Period shall begin upon observation and review by the Engineer and shall continue for a minimum of 60 calendar days until Final Acceptance.

3.02 PROGRESS MAINTENANCE OBSERVATIONS

- A. General: Notify the Engineer 30 days after commencement of Landscape Maintenance Period for a Progress Maintenance Observation. All items determined to be deficient during the previous observation shall be

completed prior to the meeting. Failure to do so may result in an extension of the Maintenance Period. In addition, prior to first Progress Maintenance Observation , furnish the Engineer with the following information:

1. All supplier invoices for the nursery stock, seed, commercial fertilizers, soil amendments, mulches and herbicides as shown and specified and as installed.
 2. Maintenance schedule for fertilization, and irrigation for all planting areas.
- B. Failure to provide the above submittals may result in the re-scheduling of the Progress Maintenance Observations and to extend the 60-Day Maintenance Period.
- C. Notify the Engineer in writing, prior to any of the Progress Maintenance Observations of any conditions which may impede proper plant establishment and/or growth.
- D. Final Maintenance Observation: Notify the Engineer 30 days after commencement of the Plant Establishment Period for Final Maintenance Observation. Prior to this observation, all items determined to be deficient during the Progress Maintenance Observations shall be completed and signed off by the Engineer.

3.03 FINAL ACCEPTANCE

- A. General: Work under this Section will be accepted by the Engineer upon satisfactory completion of all work of this Section, Section 02923, Landscape Grading, and Section 02950, Lawn Hydroseeding; and Section 02810, Automatic Irrigation System, including the sixty (60) calendar-day Maintenance Period.
- B. Termination of Observation: During the Final Acceptance Observation, any landscape item previously identified as deficient in the Progress Maintenance Observations and determined by the Engineer to be still

deficient, shall automatically terminate the Final Observation and result in the extension of the Maintenance Period an additional 30 days.
Additional costs associated with subsequent Observations that are required as a result of the Contractors failure to correct deficient items shall be paid by the Contractor. There shall be no conditional final acceptance agreement for any work.

END OF SECTION 02990

Mission Youth Soccer League (MYSOL)

c/o: Andrew L. Solow
647 Shotwell Street
San Francisco, CA 94110
voice(415)824-8114 fax(415)824-8115

December 28, 1995

City and County of San Francisco
Department of Recreation & Parks
McLaren Lodge Fell & Stanyan Streets
San Francisco, CA 94117
Attention: Phil Arnold, Sean Sweeney,
& Mike Morlin

Angotti & Reilly
325 Fremont Street
San Francisco, CA

Attention: Kevin Reilly

Subject: Dolores Park Soccer Field

Dear Mr. Arnold et al,

On Thursday, December 28, 1995 at 3:30 PM, The Mission Youth Soccer League inspected the Dolores Park Soccer Field. The following people were in attendance:

Federation International de Football (FIFA)

Fernando Alvarez, FIFA Assessor - (Mr. Alvarez is the second highest ranking FIFA official in the United States and has been intimately involved in both youth and professional soccer for over 40 years.

California Youth Soccer Association (CYSA)

Cary Jones, Commissioner - CYSA District I (San Francisco & San Mateo counties)

Mission Youth Soccer League (MYSOL)

Juan J. Gonzalez, Vice-President
Andrew L. Solow, Secretary

SF Recreation & Parks Department

Sean Sweeney, Acting Assistant Superintendent of Parks
Luis Ensina, Assistant Recreation Director

The Office of Supervisor Susan Leal

William Ambrun

City and County of San Francisco
Bureau of Engineering
1650 Mission Street 2nd Floor
San Francisco, CA 94103

Attention: Sherman Hom & Brian Gatter

Honorable Supervisor Susan Leal
Interim City Hall
401 Van Ness Avenue
San Francisco, CA 94102
Attention: Gabriela Espinosa

MYSL to Arnold et al - 12/28/95

Page 2

re: Dolores Park Soccer Field

Attachment 2
Page 2 of 2Dolores Park Soccer Field Inspection Report - 12/28/95

Subsequent to the physical inspection of the Dolores Park Soccer Field, Fernando Alvarez (FIFA), Cary Jones (CYSA), and Juan Gonzalez (MYSL) concurred on the following:

- 1) The Dolores Park Soccer Field is NOT in playable condition and is NOT safe for use by children, NOT even for practice.
- 2) Numerous sections of turf are uneven or missing entirely. The proximity of these unfoliated areas to areas covered by thick mature grass creates an irregular surface which is a tripping hazard, particularly for children.
- 3) There are several soft spots or water collection points in the field resulting from insufficient or improper drainage. There are also several small deep holes in the field.
- 4) Use of the Dolores Park soccer field at this time would severely damage the field exacerbating the existing problems and making the field much more difficult to repair.
- 5) The Dolores Park Soccer Field must be repaired before it is used.

As I previously indicated in my letter of December 21, 1995, it is not necessary to create a surface which is as smooth as the top of a pool table. However, in its current poor condition, the field constitutes a safety hazard and is unsafe for use by children.

The deficiencies in the Dolores Park Soccer Field identified herein must be repaired before we can allow youth covered by CYSA liability and medical insurance to use the field.

Thanks for your patience and consideration. Happy Holidays!

Andrew Lloyd Solow

Andrew L. Solow, Secretary - MYSL

City and County of San Francisco

Recreation and Park Department



MEMO

DATE: December 29, 1995

TO: Sherman Hom
DPW Dept. of Engineering

FROM: Sean Sweeney
Acting Asst. Superintendent of Parks & Squares

SUBJECT: MISSION DOLORES SOCCER FIELD INSPECTION AND WALK-THROUGH
3:30 p.m., 12-28-95

Andy Solo (Secretary, Mission Youth Soccer League), Cary Jones (Commissioner/District 1, California Youth Soccer Association), Bill Ambrunn (Supervisor Leals' Office), Assessor Fernando Alvarez (Federation International de Football - FIFA), Juan Gonzalez, (Mission Youth Soccer Vice President), Louis Azucena (Assistant Recreation Director San Francisco Recreation and Parks Dept.), and Sean Sweeney (Acting Assistant Superintendent of Parks and Squares, San Francisco Recreation and Parks Department).

Assessor Fernando Alvarez says that the field is not in playable condition. He feels that if the field is used in its present condition it will become damaged and in worse shape. The main problems are that the turf is uneven, there are obvious drainage problems, there are numerous holes in the field without mature turf, and areas without any turf at all. Mr. Alvarez feels that the quick remedy would be to use sod to fill the seeded areas that are not to grade.

Mr. Alvarez feels that the size of the field is perfect -- no problem for under 16 year old soccer players. Consensus of the group is that the field is not far from being acceptable, but is not yet complete.

Observations:

1. There are numerous holes in the field surface.
2. There are drainage problems around sprinkler heads and in some random sections of the playing surface.
3. Uneven field toward NE quarter of field. Facing Mission High School from East end of field, there are undulations in the playing surface.
4. There are clumps of mature Rya turf next to newly-seeded areas which pose a tripping hazard.
5. There are some abrupt holes in the field; a few of the sprinkler heads are too high.
6. Field measured out at 260 feet. Andy Solo stated that it should be 270 feet.

The main concern of the group is that the field has to be fixed when it hasn't even been used yet.

c: Phil Arnold
Joanne Wilson

Mike Morlin
Dennis Neal

0414K

McLaren Lodge, Golden Gate Park
Fell and Stanyan Streets

FAX: (415) 668-3330
Information: (415) 666-7200
TDD: (415) 666-7043

San Francisco 94117

City and County of San Francisco



MEMORIA

TO: Eve Sternberg, Budget Analyst's Office

FROM: *JT* John Thomas, Acting Manager
Landscape Architecture Section

DATE: January 12, 1996

SUBJECT: Dolores Play Field

Per your request, the following actions are to be taken with respect to Sean Sweeney's memo of December 29, 1995. Mr. Sweeney's observations are shown in italics.

1. *There are numerous holes in the field surface.* Adjustments to the grades will be performed as required to fill minor depressions generally caused by dog activity.
 2. *There are drainage problems around sprinkler heads and in some random sections of the playing field.* A survey shall be conducted to determine if the field is sloped to drain in accordance with the contract documents. In addition, the soil shall be probed to determine if the soil amendments were thoroughly mixed to the proper depth. (It should be noted that on the day of the site inspection, in question, the field was saturated as a result of eight inches of recent rain fall).
 3. *Uneven field toward NE quarter of field.* The survey shall determine if the field in this area does not comply with the contract documents. Any unevenness will be corrected.
 4. *There are clumps of mature Rye turf next to newly-seeded areas which pose a tripping hazard.* The field shall be mown to even-out the turf.
 5. *There are some abrupt holes in the field; a few of the sprinkler heads are too high.* Any abrupt holes will be filled. The sprinkler heads will be adjusted down as required.
 6. *Field measured out at 260 feet, Andy Solo stated it should be 270 feet.* Previous surveys indicate the field is the correct dimension. The upcoming survey will verify.

db

cc: Don Munakata Sherman Hom
Nelson Wong Brian Gatter

Memo to Rules Committee
April 2, 1996 Rules Committee Meeting

Item 5 - File 165-96-2

1. The proposed motion would direct the Budget Analyst to conduct a management audit of the Medical Examiner/Coroner's Office and that the management audit would be undertaken on a priority basis, beginning upon completion of management audits that are currently underway.

2. The Budget Analyst is currently conducting management audits of the San Francisco International Airport Surplus and the San Francisco Police Department (SFPD). The audit of the Airport Surplus is near completion, and presently undergoing a review of legal issues. The management audit of the SFPD is expected to be completed in the late summer or fall of 1996.

3. Following completion of the two management audits described above, the Budget Analyst is scheduled to complete the following management audit projects that have been previously assigned by the Board of Supervisors:

- Department of Parking and Traffic
- a review and comment on the Department of Human Resources (DHR) Classification Study of City Employees Whose Salaries exceed \$70,000 a Year; and,
- Rent Arbitration Board.

If this proposed motion to conduct a management audit of the Medical Examiner/Coroner is approved as a priority assignment, the project would commence on completion of the management audit of the SFPD and prior to the management audit of the Department of Parking and Traffic. It is anticipated that the management audit of the Police Department will be completed by late summer or early fall, 1996.

4. The Budget Analyst estimates that a management audit of the Medical Examiner/Coroner would require 1,100 hours of staff time. At our hourly rate of \$70.85, the cost of such an audit would equal \$77,935. However, since the management audit would be conducted under our contract with the Board of Supervisors, this audit would be conducted with existing Budget Analyst resources and would not be an additional cost to the City.

Memo to Rules Committee
April 2, 1996 Rules Committee Meeting

5. The scope of a comprehensive management audit of the Medical Examiner/Coroner would include the following operational areas and issues:

- service response, decedent transport and investigation;
- case processing, evidence gathering (photo, fingerprinting, preparation for forensic examination);
- property control, security of evidence and records, staff security clearances;
- toxicological testing and laboratory services;
- forensic examinations, autopsy, medical transcription;
- equipment and technology used by the department;
- body storage, identification and notification;
- disposition of remains of unclaimed decedents;
- interaction with the public, law enforcement, mortuaries and physicians;
- records, fees, administrative support, accounting;
- management, budget, supervision, operating procedures.

6. The Budget Analyst estimates that the management audit can be completed within three to four months from the project start date.

Recommendation

The proposed motion is a policy matter for the Board of Supervisors

Memo to Rules Committee
April 2, 1996 Rules Committee Meeting

Item 6 - File 123-95-3

Department: Department of Public Works (DPW)

Item: Ordinance amending Part II, Chapter 10, Article 15 of the Public Works Code by adding Sections 789, 789.1, 789.2, 789.3, 789.4, 789.5, 789.6, and 789.7 to establish procedures for the commemoration of sites, events and persons on public streets and places.

Description: The proposed ordinance would amend Part II, Chapter 10, Article 15 adding new Sections 789, 789.1, 789.2, 789.3, 789.4, 789.5, 789.6, and 789.7, as follows:

Sections 789 and 789.1

Section 789 would establish the title of this proposed ordinance as the "Commemorative Street Plaque" ordinance. Section 789.1 finds (1) that the City has a unique and important history that should be preserved and commemorated for residents and visitors, (2) that the contributions connected with certain sites, events and people to the history of the City should be recognized and (3) that one method of preserving and commemorating such sites, events and people shall be the placement of commemorative plaques on public streets and places.

Sections 789.2 , 789.3 and 789.4

Under Section 789.2 (1) the Board of Supervisors may, by resolution, designate a specific location on a public street or place to commemorate a site, event or person of historical interest to the City, (2) any person seeking to commemorate a site, event or person of historical interest shall file an application with the DPW, such application shall contain all information required by the DPW and be accompanied by all fees set by the DPW. Under Section 789.3, the DPW would be required to set a time and place for a hearing for a date not to exceed 90 days from the date the application was received by DPW. Information presented at such a hearing would be maintained as a part of the permanent records of the DPW. Section 789.4 would provide that (1) within 30 days after the close of the hearing, the DPW shall forward the application along with the Department's recommendation to the Clerk of the Board's Office and (2) the Board of Supervisors shall hold a public hearing on any application submitted. At such hearing, the Board may approve, disapprove or modify and approve the proposal contained in the application.

BOARD OF SUPERVISORS
BUDGET ANALYST

Section 789.5

This Section would require the DPW to develop criteria for establishing the sites for the commemorative plaques and to develop design guidelines for these plaques after consulting with the Art Commission.

Section 789.6

Under this Section, DPW would be responsible for maintaining the official street map for the City and, from time to time, developing a map listing all sites designated as commemorative sites.

Section 789.7

This Section would require the DPW to determine the amount of fees necessary to compensate the City for processing and administering an application for a commemorative plaque. The fees shall pay for the time and materials required to process the application, based on the estimated actual costs to perform the work, including the costs associated with work performed by the DPW, the City Attorney' Office and the Board of Supervisors.

Comments:

1. The above-noted proposed fees, would be based on hourly rates for staff time and cost of materials for the processing and administering of an application, and inspection of the installation of a commemorative plaque. Ms. Denise Brady of the DPW advises that pursuant to the new City Charter, such fees would be subject to approval by the Board of Supervisors if the DPW does not establish the fees until after July of 1996. According to Ms. Brady, prior to July of 1996, the DPW could establish the fees per DPW order after a public hearing, without Board approval. Ms. Brady notes that once the fees are established, any subsequent amendment of the fees would be subject to future approval by the Board of Supervisors.
2. Ms. Brady advises that one of the primary purposes of this legislation is to offer a cost-effective method of commemorating a site, event or person of historical interest.

Memo to Rules Committee
April 2, 1996 Rules Committee Meeting

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Chief Administrative Officer
Controller
Sam Yockey
Paul Horcher
Ted Lakey

SF

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CALENDAR

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5/7/96

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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REGULAR MEETING

TUESDAY, MAY 7, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

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REGULAR CALENDAR

1. File 12-96-12. [School-to-Career Opportunities Act] Resolution supporting SB 643, the School-to-Career Opportunities Act and directing the State Legislative Representative to work towards strengthening the Act and furthering its passage. (Supervisors Shelley, Alioto)

ACTION:

2. File 12-96-17. [Absentee Voter Procedures] Resolution resolving that California Election Code Section 3017 discriminates against absentee voters based on their marital and familial status; urging the State Legislature to amend Election Code Section 3017 to delete any mention of any type of marital or family status; asking the City Attorney to institute proceedings to enforce guarantees of the Fourteenth and Fifteenth Amendments with regard to Election Code Section 3017 which has the effect of denying or abridging the right to vote in contravention of the guarantees set forth in the Constitution of the United States. (Supervisors Kaufman, Bierman, Shelley)

ACTION:

3. File 92-96-1. [Appointment, Advisory Council to Commission on the Aging] Hearing to consider appointment of member to the Advisory Council to the Commission on the Aging, vice Daisie Flor V. Harrison (Seat No. 20307 - must be nominee of Supervisor Leal), term expired March 31, 1996, for two-year term ending March 31, 1998. (Clerk of the Board)

Applicant: Ernestine Pina McGoldrick

ACTION:

4. File 92-96-18. [Appointment, Delinquency Prevention Commission] Hearing to consider appointing member to the Delinquency Prevention Commission, vice David Inocencio (Seat No. 21805 - interest and knowledge regarding juvenile delinquency prevention), resigned, for unexpired portion of four-year term ending December 31, 1998. (Clerk of the Board)

Applicant: Melanie DewBerry

ACTION:

5. File 92-96-23. [Appointment] Hearing to consider reappointment of Paul Okamoto (Seat No. 26513 - Full Board) to the San Francisco Environment Commission, term expiring May 12, 1996, for new three-year term ending May 12, 1999. (Clerk of the Board)

Applicant: Paul Okamoto

ACTION:

6. File 92-95-28. [Appointments, Delinquency Prevention Commission] Hearing to consider appointing members to the Delinquency Prevention Commission, vice Raymond L. Benson (Seat No. 21814 - Supervisor Alioto), deceased, vice Eric Ciasullo (Seat No. 21816 - Supervisor Bierman), resigned, vice Father James M. Goode (Seat No. 21809 - Supervisor Yaki), resigned, vice Migdalia M. Rosado (Seat No. 21813 - Supervisor Kaufman), for unexpired portion of four-year term ending December 31, 1996, and vice Elizabeth Youhn (Seat No. 21819 - Full Board), resigned, for unexpired term ending June 30, 1999. (Clerk of the Board)

Applicants: Joshua Bloom, vice Father James M. Goode (Seat No. 21809 - Supervisor Yaki)

Megan Burke, vice Elizabeth Youhn (Seat No. 21819 - Full Board)

Ravi Anand, vice Elizabeth Youhn (Seat No. 21819 - Full Board)

ACTION:

7. File 92-96-19. [Appointments, City-Wide Alcoholism Advisory Board] Hearing to consider appointing members to the City-Wide Alcoholism Advisory Board, vice Linda Davis Hills (Seat No. 20615 - Professional research, or personal interest in alcoholism) and vice Otis D. Turner (Seat No. 20606 - Professional, research, or personal interest in alcoholism), resigned, for unexpired portion of three-year term ending July 1, 1998. (Clerk of the Board)

) Applicant: Charlotte Sullivan

ACTION:

8. File 92-96-22. [Appointments, City-Wide Alcoholism Advisory Board] Hearing to consider appointing members to the City-Wide Alcoholism Advisory Board, Philip Zamora (Seat No. 20601 - Professional research, or personal interest in alcoholism), Heather Bostian (Seat No. 20602 - Professional, research, or personal interest in alcoholism), Robert Nelson, Jr. (Seat No. 20603 - Professional research, or personal interest in alcoholism), Rev. Timothy Downs (Seat No. 20604 - Professional, research, or personal interest in alcoholism), Deborah Doyle (Seat No. 20605 - Professional research, or personal interest in alcoholism), terms expiring July 1, 1996, for new three-year term ending July 1, 1999. (Clerk of the Board)

Applicants: Heather Bostian
Robert Nelson, Jr.
Rev. Timothy Downs
Deborah Doyle

ACTION:

9. File 92-95-48. [Appointments, Telecommunications Policy Committee] Hearing to consider appointing members to the Telecommunications Policy Committee, vice Edd Dundas (Seat No. 21605 - public-at-large), vice Carol C. Hull (Seat No. 21606 - public-at-large), Byron Rhett (Seat No. 21608 public-at-large), terms expired February 1, 1996, for new two-year terms ending February 1, 1998. (Clerk of the Board) (Consideration continued from 3/5/96)

Applicants: Paul F. Lorch
Phillip Brown
Michael B. Freeman
Sam McClelland
Maria Luz Agudelo

ACTION:

10. File 92-95-12. [Appointment, Lead Hazard Reduction Citizens Advisory Committee] Hearing to consider appointing member to the Lead Hazard Reduction Citizens Advisory Committee, vice Robert J. Boileau (Seat No. 26704 - Building Trade), resigned, for unexpired portion of four-year term ending on June 25, 1997. (Clerk of the Board)

Applicant: John "Pete" Peterson

ACTION:

11. File 30-96-3. [Lead Poisoning Prevention Committee Annual Report] Hearing to consider the Lead Poisoning Prevention Citizen Advisory Committee's Annual Report. (Supervisor Shelley)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE!!!

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RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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MAY 20 1996

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5/17/96

REGULAR MEETING

TUESDAY, MAY 21, 1996 - 10:00 A.M.

VETERANS BUILDING

401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

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REGULAR CALENDAR

1. File 33-96-4. [Confirming Appointment] Resolution confirming the appointment of Mary C. Dunlap, Interim Director of the Office of Citizen Complaints, as the permanent Director of the Office of Citizen Complaints. (Supervisor Ammiano)

ACTION:

2. File 92-95-28. [Appointments, Delinquency Prevention Commission. Hearing to consider appointing members to the Delinquency Prevention Commission, vice Raymond L. Benson (Seat No. 21814 - Supervisor Alioto), deceased, vice Eric Ciasullo (Seat No. 21816 - Supervisor Bierman), resigned, vice Father James M. Goode, PhD (Seat No. 21809 - Supervisor Yaki), resigned, vice Migdalia M. Rosado (Seat No. 21813 - Supervisor Kaufman), resigned, vice Elizabeth Youhn (Seat No. 21819 - Full Board), resigned, for unexpired portion of a four-year term ending December 31, 1996.

Applicants: Arnold Laub, vice Raymond L. Benson (Seat No. 21814 - Supervisor Alioto)

Sharon Olivia Hoff, vice Eric Ciasullo (Seat No. 21816 - Supervisor Bierman)

ACTION:

3. File 92-95-48. [Appointment, Telecommunications Policy Committee] Hearing to consider appointing member to the Telecommunications Policy Committee, Byron Rhett (Seat No. 21608 public-at-large), term expired February 1, 1996, for new two-year term ending February 1, 1998. (Clerk of the Board) (Consideration continued from 3/5/96)

Applicant: Byron Rhett

ACTION:

4. File 92-96-21. [Appointments, Sunshine Ordnance Task Force] Hearing to consider appointment of members to the Sunshine Ordnance Task Force, vice Elizabeth Pritzker (Seat No. 27101 - must be attorney nominated by Society of Professional Journalists), Bruce B. Brugmann (Seat No. 27102 - must be local journalist nominated by Society of Professional Journalists), vice Bruce Bellingham (Seat No. 27103 - must be member of press or electronic media with interest in citizen access and participation in local government), Charlottee P. Berk (Seat No. 27104 - must be nominee of the League of Women Voters), Robert R. Planthold (Seat No. 27105 - must be disabled and have interest in citizen access/participation), Sue Hester (Seat No. 27106 - must be member of the public with interest/experience in local government), Landis Whistler (Seat No. 27107 - must be member of the public with interest/experience in local government), vice James Chaffee (Seat No. 27108 - must be member of the public experienced in consumer advocacy), Enrique Ramirez (Seat No. 27109 - must be member of the public experienced in consumer advocacy), Byron McQuarters (Seat No. 27113 - must be member of the public with interest/experience in local government), and vice Kathryn L. Perry (Seat No. 27114 - must be member of the public with interest/experience in local government), for new two-year term ending April 27, 1998.
(Clerk of the Board)

Applicants: Karl Olson
 Bruce B. Brugmann
 Charlottee P. Berk
 Robert R. Planthold
 Sue Hester
 Landis Whistler
 Enrique Ramirez
 Byron McQuarters
 Stephen Pantos, Esq.
 David Pilpel
 Marilyn Smulyan
 Robert Henderson

ACTION:

5. File 121-96-6. [Gun Control] Ordinance amending Police Code by amending Sections 613.1 and 613.10 relating to the sale, lease or other transfer of firearms, firearm ammunition or firearm ammunition components. (Supervisors Shelley, Bierman)

ACTION:

6. File 97-96-29. [Use of Surplus Campaign Funds] Ordinance amending Administrative Code, by amending Section 16.510 to provide that individuals who cease to be a candidate for local office, or who fail to qualify as a candidate for local office, and who have unexpended campaign funds, may donate the unexpended funds to the General Fund of the City and County of San Francisco. (Supervisor Shelley)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

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CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

5/21/96

May 17, 1996

TO: Rules Committee**DOCUMENTS DEPT.****FROM:** Budget Analyst *Recommendations for* **MAY 21 1996****SUBJECT:** May 21, 1996 Rules Committee MeetingSAN FRANCISCO
PUBLIC LIBRARYItem 5 - File 121-96-6

Item: Ordinance amending the Police Code Part II, Chapter VIII by amending Article IX Sections 613.1 and 613.10, relating to the sale, lease or other transfer of firearms, firearm ammunition or firearm ammunition components.

Description: Under the proposed ordinance Section 613.1 would be amended to include a definition for "transfer" of a firearm. The definition reads that "transfer" of a firearm shall include, but not be limited to, the redemption of a firearm by an individual from a pawn shop. Currently, the legislation does not include a definition for "transfer" of a firearm.

Section 613.10 would be amended to provide the following:

(1) Licensed firearm dealers (Licensee), shall not sell, lease or otherwise transfer any firearm without affixing a warning label stating the following, in not less than 14 point type, "IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON, AND YOU MAY BE LIABLE FOR CIVIL DAMAGES". Currently, there is no such provision in the legislation.

Memo to Rules Committee
May 21, 1996 Rules Committee Meeting

(2) The Licensee shall not sell, lease or otherwise transfer to any person any ammunition that (a) serves no sporting purpose, (b) is designed to expand upon impact and to project barbs (spiked metal fingers) or other objects that are intended to increase the damage to a human body or other target, (c) is designed to fragment upon impact or (d) is designed primarily to penetrate metal or armor. These provisions do not apply to conventional hollow-point ammunition with a solid lead core or when the purchase of the ammunition is made for official law enforcement purposes and the purchaser is authorized to make such purchase by a director of a public law enforcement agency such as the Chief of Police or the Sheriff. Currently, there are no such provisions in the legislation.

(3) The Licensee shall not deliver any firearm or firearm ammunition to a purchaser, lessee or other individual whom the Licensee knows or has reason to believe is attempting the transfer (a) on behalf of another person or (b) with the intent to avoid any restrictions on firearm transfers contained in this legislation or in State or Federal law.

Comment:

Officer Barbara Campagnoli of the Police Department's Permit Division advises that the Police Department currently monitors and enforces certain regulations pertaining to licensed gun dealers. As such, according to Officer Campagnoli, the Police Department anticipates that the proposed legislation would result in minimal, if any, additional costs to the Police Department and that such costs, if any, would be absorbed in the Police Department's existing budget.

Recommendation:

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Memo to Rules Committee
May 21, 1996 Rules Committee Meeting

Item 6 - File 97-96-29

Item: Ordinance amending Section 16.510 of the Administrative Code to provide that individuals, who cease to be a candidate for local office or who fail to qualify as a candidate for local office, and who have unexpended campaign funds, may donate the unexpended funds to the General Fund of the City and County of San Francisco.

Description: Section 16.510 of the Administrative Code presently states that individuals, who cease to be a candidate for local office or fail to qualify as a candidate for local office under the provisions of the Charter, and who have a balance of unexpended campaign contributions that were received in connection with their campaign for elected office, shall return such unexpended contributions, on a pro rata basis, to those persons who made the contributions.

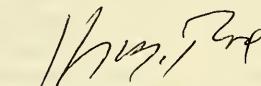
Returning campaign contributions on a pro rata basis requires such candidates to redistribute these funds proportionately based on a) the number of persons who made campaign contributions and b) the amounts contributed by each contributor.

Presently, Section 16.510 of the Administrative Code states that those candidates, who qualify for local office and whose names appear on a ballot, may donate unexpended campaign contributions to the General Fund. The proposed ordinance would authorize individuals, who cease to be a candidate for local office or who fail to qualify as a candidate for local office, to have the option to donate unexpended campaign contributions to the General Fund.

- Comments:**
1. Ms. Julia Moll of the City Attorney's Office reports that the decision to either return the unexpended campaign funds on a pro rata basis to those persons who made the contributions or to donate the unexpended campaign funds to the General Fund is made by the individuals who cease to be a candidate for local office or who fail to qualify as a candidate for local office and have acquired such funds.
 2. Mr. John Madden of the Controller's Office states that the City would not incur any incremental cost increases for administering unexpended campaign funds, which might be donated to the City.

Memo to Rules Committee
May 21, 1996 Rules Committee Meeting

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Chief Administrative Officer
Controller
Margaret Kisliuk
Paul Horcher
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RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

6/4/96

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JUN 03 1996
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5/31/96

REGULAR MEETING

TUESDAY, JUNE 4, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

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REGULAR CALENDAR

1. File 33-96-5. [Appointment, Port Commission] Resolution confirming Mayor's appointment of Denise McCarthy as a member of the Port Commission of the City and County of San Francisco. (Mayor)

ACTION:

2. File 92-93-60. [Appointments, Airport Noise Committee] Hearing to consider appointment of members to the Airport Noise Committee, vice Charles Kroupa (Supervisor Leal - Seat No. 20510), Jerome Sapiro (Supervisor Kaufman - Seat No. 20515), and Barbara Sahm (Department of City Planning - Seat No. 20506), terms expired September 30, 1993, for new three-year terms ending September 30, 1996. (Clerk of the Board)

Applicants: Amy Quirk (Seat No. 20515 - Supervisor Kaufman)

ACTION:

3. File 92-94-27. [Appointments/Maternal, Child & Adolescent Health Board] Hearing to consider appointment of members to the Maternal, Child and Adolescent Health Board, terms expired, vice Seat Vacant, (Supervisor Kaufman, Seat No. 22801); Toye Moses (Supervisor Kennedy, Seat No. 22802); Seat Vacant (no requirement, Seat No. 22804); Barbara Williamson (no requirement, Seat No. 22805); Seat Vacant (no requirement, Seat No. 22806); Seat Vacant (no requirement, Seat No. 22807); Linda White (no requirement, Seat No. 22808), Seat Vacant (Supervisor Shelley, Seat No. 22809); Charlene Clemens (no requirement, Seat No. 22811); Sari J. Wade (Supervisor Migden, Seat No. 22815); Seat Vacant (no requirement, Seat No. 22816); Anita P. DeFrantz, Ph.D. (Supervisor Teng, Seat No. 22817); Seat Vacant (no requirement, Seat No. 22818); Seat Vacant (Supervisor Alioto, Seat No. 22820); Seat Vacant (no requirement, Seat No. 22821); Saralie B. Pennington (no requirement, Seat No. 22822); Seat Vacant (Supervisor Yaki, Seat No. 22823); Vacant (no requirement, Seat No. 22824), terms expired August 31, 1995, for three-year terms ending August 31, 1998.

Applicants: Charlene Clemens (Seat 22807, no requirement)
Margaret O'Sullivan (Seat 22801, Supervisor Kaufman)
Lynn Barbaree (Seat 22817, Supervisor Teng)
Tracey Stout (Seat 22809, Supervisor Shelley)

ACTION:

4. File 92-96-29. [Appointment, National Blue Ribbon Service Commission] Hearing to consider appointments to the National Blue Ribbon Service Commission, Peter Gabel (Seat 20401, Supervisor Leal); Jim Salinas (Seat 20402, Supervisor Alioto); Agar Jaicks (Seat 20403, Supervisor Bierman); vice John K. Noonan (Seat 20404, Supervisor Teng); Lauri Irving (Seat 20405, Supervisor Yaki); Jason K. Wong (Seat 20406, Supervisor Hsieh); Argentina Davilla Luevano (Seat 20407, Supervisor Kaufman); Sabrina Saunders (Seat 20408, Supervisor Katz); Robert Chan (Seat 20409, Supervisor Ammiano); Sid Smith (Seat 20411, Supervisor Shelley); Carl L. Williams (Seat 20412, Board of Supervisors, at-large member); Ethel S. Newlin (Seat 20413, Board of Supervisors, at-large member); Michael Ma (Seat 20414, Board of Supervisors, at-large member); Sam Lawson (Seat 20415, Board of Supervisors, at-large member); Seat Vacant (Seat 20416, Mayor, non-voting member); Seat Vacant (Seat 20417, CAO, non-voting member); Saundra Edwards (Seat 20418, Board of Supervisors, at-large member); vice Rene Velasquez (deceased) (Seat 20419, Board of Supervisors, at-large member); Steve Williams (Seat 20420, Board of Supervisors - at-large member); Carole S. Cullum (Seat 20421, Board of Supervisors, at-large member), terms expired June 30, 1995, for three-year terms and ending June 30, 1998. (Clerk of the Board)

Applicants: Raymond Chin (Supervisor Teng)

ACTION:

5. File 92-96-30. [Appointment, Park and Open Space Committee] Hearing to consider appointments to the Park and Open Space Citizens Advisory Committee, Alan Weaver (Supervisor Shelley, Seat No. 23302); Ron Miguel (Supervisor Alioto, Seat No. 23303); Lonnie Lawson (Supervisor Migden, Seat No. 23304); Julie Viera (Supervisor Hsieh, Seat No. 23305); Claire Isaacs (Supervisor Teng, Seat No. 23306); Sharon Hewitt (Supervisor Katz, Seat No. 23307); Ina Dearman (Supervisor Ammiano, Seat No. 23308); Katharine Webster (Supervisor Leal, Seat No. 23309); Jacob Sigg (Supervisor Ammiano, must be from organization, Seat No. 23310); Ailene Herold-Coffino (Supervisor Alioto, must be from organization, Seat No. 23311); Nan McGuire (Supervisor Yaki, Seat No. 23312), for two-year terms beginning July 1, 1996 and ending July 1, 1998. (Clerk of the Board)

Applicants: Julia Viera (Nominee of Supervisor Hsieh)
Alan Weaver (Nominee of Supervisor Shelley)

ACTION:

6. File 92-96-31. [Appointments, Veterans Affairs Commission] Hearing to consider appointments to the Veterans Affairs Commission, Henry I. Leleu (Seat No. 23801 - must represent Category 1); Wallace I. Levin (Seat No. 23803 - must represent Category 3); vice Noble Fields (Seat No. 23806 - must represent Category 6); Seat Vacant (Seat No. 23808 - must represent Category 2); Seat Vacant (Seat No. 23811 - must be an at-large appointment) for four-year terms beginning January 31, 1996 and ending January 31, 2000. (Clerk of the Board)

Applicants: Robert DelaCruz
George Gibbs

ACTION:

7. File 92-96-4. [Appointment] Resolution appointing member to the Bay Area Library and Information System Advisory Board, for the new two-year term ending December 31, 1997. (Rules Committee)
(Rereferred to Committee 2/25/96)

Applicants: James Chaffee
 Margery Blum
 Virginia Gee

ACTION:

8. File 92-96-3. [Hazardous Materials Advisory Committee] Hearing to consider appointing members to the Hazardous Materials Advisory Committee vice Jeremiah Motak (Seat No. 22601 - must represent small business), Mark Galbo (Seat No. 22604 - must be toxicologist), Howard Strassner (Seat No. 22608 - must represent neighborhood organization), Anthony G. Sacco (Seat No. 22612 - must represent labor organization), William Harris (Seat No. 22616 - open seat/no requirement), and Gerald Grey (Seat No. 22617 - must represent Fire Department), terms expired July 1, 1995, for four-year terms ending July 1, 1999. (Clerk of the Board)

Applicants: Mark Galbo (Seat 22604, toxicologist)
 Gerald Logan Grey (Seat 22617, SFFD)
 Howard Strassner (Seat 22608, neighborhood org.)
 Anthony G. Sacco (Seat 22612, labor organization)
 Mark Youngkin (vice Motak, Seat 22601, small business)

ACTION:

9. File 92-96-32. [Appointments, Hazardous Materials Advisory Cmte.] Hearing to consider appointing members to the Hazardous Materials Advisory Committee, Daniel V. Phelan (Seat 22603); Seat Vacant (Seat 22604, must be epidemiologist); Neil Gendel (Seat 22614, must represent environmental organization); Steven Medbery (Seat 22618, Dept. of Public Works); Seat Vacant (Seat 22621, open seat) for four year terms beginning July 1, 1996 and ending July 1, 1999. (Clerk of the Board)

Applicant: Donald Lapin (Seat 22621, open seat)

ACTION:

10. File 92-96-15. [Appointments, Commission of Animal Control & Welfare] Hearing to consider appointment of members to the Commission of Animal and Welfare, Dolores Donovan (Seat No. 20701 - public-at-large), Matthew Kaplan (Seat No. 20702 - public-at-large) and vice Ken Gorczyca (Seat No. 20707 - must be licensed veterinarian; residency not required), terms expired April 30, 1996 for new two-year terms ending April 30, 1998. (Clerk of the Board)

Applicants: Matthew Kaplan (Seat 20702, public-at-large)
 Vic Spain (Seat No. 20707, must be licensed veterinarian)

ACTION:

11. File 121-96-2.1. [Tour Bus, 25th Avenue/El Camino Del Mar] Ordinance amending Ordinance No. 88-96, which amended the Police Code to prohibit tour buses on El Camino Del Mar between the Presidio (approximately 290 feet east of 25th Avenue) and Legion of Honor Drive, and 25th Avenue between Lake Street and El Camino Del Mar through June 30, 1996, by amending Section 3 to provide that this prohibition on tour buses shall expire on September 30, 1996 rather than June 30, 1996. (Supervisors Shelley, Yaki)

ACTION:

12. File 121-96-5.2. [Tour Bus, 15th Avenue] Ordinance amending Ordinance No. 115-96, which amended the Police Code to prohibit tour buses on 15th Avenue from Lake Street to the Presidio through June 30, 1996 by amending Section 2 to provide that this prohibition on tour buses shall expire on September 30, 1996 rather than June 30, 1996. (Supervisors Shelley, Yaki)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE!!!

Bill Lynch
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#3
6/18/96

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 14, 1996

DOCUMENTS DEPT.

TO: Rules Committee JUN 18 1996
FROM: Budget Analyst Recommendations for the meeting of SAN FRANCISCO
SUBJECT: June 18, 1996 Rules Committee Meeting PUBLIC LIBRARY

Item 15 - File 97-95-34

Note: This item was continued by the Rules Committee at its meeting of August 15, 1995.

Items: Ordinance adding Article III to Chapter 11 of the San Francisco Administrative Code to create a Telecommunications Commission and adding Sections 11.45 and 11.46 to the Administrative Code to transfer certain functions regarding cable television franchises from the Chief Administrative Officer (CAO) to the Telecommunications Commission and to limit the duration of new cable television franchises to ten years.

Description: The proposed ordinance would add a new Article III to the Administrative Code, which would, provide for (1) the establishment of a Telecommunications Commission, (2) the establishment of a Telecommunications Commission Fund, (3) the creation of an Executive Director position and other staff support positions for the Telecommunications Commission, (4) the transfer of certain functions related to cable television franchises from the CAO to the proposed Telecommunications Commission and (5) limit the duration of new cable television franchises.

Telecommunications Commission

The proposed Telecommunications Commission would consist of nine members. The Clerk of the Board of Supervisors would serve as Department Head for the Commission and would appoint support staff assigned to the Commission. Of the nine Commission members, five voting members would be appointed by the Mayor, which appointments shall be approved or rejected by resolution the Board of Supervisors. The Director of the Department of Public Works, the General Manager of the Department of Electricity and Telecommunications, the Director of the Department of City Planning and the Director of Public Health would each serve as non-voting members. At least one member of the Commission must be drawn from persons with expertise in fields related to, but not limited to, telecommunications management, telecommunications engineering, and accounting. At least one member appointed by the Mayor must represent the public, education and government access cable television channels and the public's access to developing technologies, and at least two members must represent the interests of consumers and the general public. With respect to initial appointments, two members will be designated to serve two year terms, two members will be designated to serve three-year terms, and three members, including the member appointed by the Mayor, will be designated to serve four-year terms. Thereafter, members will be appointed for three-year terms. Commission members would receive \$25 for each Commission meeting attended. No member would be paid for attending more than two Commission meetings in any one calendar month or a maximum of 24 meetings per year. Based on nine members attending a total of 24 meetings each in a year, the total compensation amount required on an annual basis would be a maximum of \$5,400. The Commission must meet at least once each month.

The Commission's powers and duties would include, but not necessarily be limited to, the following:

(1) Advise the Board of Supervisors regarding all matters pertaining to Telecommunications Services.

(2) Negotiate and recommend to the Board of Supervisors ordinances granting or amending cable television franchises or other franchises that authorize the use of public rights-of-way to provide Telecommunications Services.

BOARD OF SUPERVISORS
BUDGET ANALYST

(3) Hold public hearings to ascertain community needs and public concerns regarding Telecommunications Services.

(4) Encourage and assist providers of Telecommunications Services to implement new services and technologies with the City and educate the public to use such services.

(5) Review cable television rates and order, in writing, any rate reductions, subscriber refunds and/or fines, in accordance with applicable Federal laws and regulations. Under the proposed ordinance, all rate, refund and fine orders must be submitted by the Commission in the form of a resolution to the Board of Supervisors for approval. If the Board of Supervisors fails to approve or reject such legislation within 60 days of its receipt, the Commission's order shall become final.

(6) oversee the administration of any City law or locally enforced State or Federal law regarding Telecommunications Services, except where such administration has been delegated to another City department or officer by either the City Charter or City codes.

(7) Within the limits of State and/or Federal law, adopt rules and procedures governing (a) customer service by cable television operators, (b) the use and operation of public, educational or governmental access channels, and (c) compliance with City law and locally enforced State and/or Federal law regarding Telecommunications Services except where such matters have been delegated to another City department or officer by the City Charter or City codes. Under the proposed ordinance, all rules and procedures adopted by the Commission must be submitted in the form of a resolution to the Board of Supervisors for its approval. If the Board of Supervisors fails to approve or reject such legislation within 60 days of receipt by the Board, the rules and procedures adopted by the Commission will be final.

(8) Monitor, report and make recommendations to the Board of Supervisors regarding expenditures, from the Cable Television Access Development and Programming Fund and recommend ways of developing stable funding sources for the operations of the public, education, and government access channels.

BOARD OF SUPERVISORS
BUDGET ANALYST

(9) Advise the Clerk of the Board of Supervisors regarding the qualifications and functions of professional staff assigned to the Commission in accordance with applicable Civil Service rules and regulations.

(10) Advise the Board of Supervisors and provide information to all City departments regarding other actions which may be necessary to be undertaken by the City, within the limits of State and Federal law, to protect the interests of the City and general public in matters related to Telecommunications Services.

Consistent with applicable State and Federal law, the proposed ordinance provides that the Commission may adopt fees to recover costs related to the administration of its duties. Under the proposed ordinance, the establishment of fees adopted by the Commission would require Board of Supervisors approval. Any fee adopted by the Commission shall become effective 60 days after its approval by the Commission, unless the Board disapproves the fee within the 60 day period.

Under the proposed ordinance, the Commission must submit written reports regarding its activities to the Mayor and the Board of Supervisors not less than once every twelve months.

Telecommunications Commission Fund

The proposed Telecommunications Commission Fund would be established for the sole purpose of paying expenses incurred by the Commission to perform its duties. The source of funds for this Fund would be monies received by the City as compensation for its provision of public right-of-way access in connection with Telecommunications Services. Such monies (not specifically identified in the legislation) shall include, but not necessarily be limited to, cable television franchise fees. Under the proposed ordinance, the City Treasurer shall deposit 6.25 percent of any such fees to the proposed Telecommunications Fund. Based on the \$3,154,848 amount received by the City for FY 1994-95 from cable television franchise fees, the estimated annual amount of funds that would be available from this funding source to be deposited to the proposed Fund would be \$197,178 (6.25 percent x \$3,154,848). Additionally, any fees which the Commission may adopt for purposes of recovering costs related to the administration of its duties, shall also be deposited to this Fund.

BOARD OF SUPERVISORS
BUDGET ANALYST

Executive Director and Other Support Staff

The proposed ordinance provides for the creation of an Executive Director position and other support staff for the Commission. Attached is a budget, prepared by the Office of the Sponsor of the proposed legislation, which details the cost of the proposed Executive Director position and support staff and related costs, totaling \$190,320.

Under the proposed ordinance, the duties and responsibilities of the proposed Executive Director are as follows:

- (1) Make recommendations to the Telecommunications Commission regarding all matters that require a decision on the part of the Commission and assist the Commission in the performance of its duties.
- (2) Supervise Commission support staff.
- (3) Monitor and investigate Telecommunications Services technologies and their availability with the City.
- (4) Within the limits of Federal and/or State law, take all administrative actions on behalf of the City to enforce City law or any locally enforceable State or Federal law, rule or regulation regarding Telecommunications Services, except as to actions reserved for the Commission, the Board of Supervisors or delegated to another City department or officer by the City Charter or City codes.
- (5) Receive and investigate complaints about Telecommunications Services from the general public. Recommend that the Board of Supervisors adopt any ordinance, within the limits of Federal and/or State law, that may in the Commission's judgment be required to protect the interests of consumers of Telecommunications Services. Issue orders to resolve disputes between subscribers and providers of cable television services.
- (6) Perform any other duties determined by the Board of Supervisors and assigned by the Clerk of the Board.
- (7) perform any other duties delegated by the Commission.

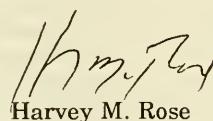
Transfer of Cable Television Franchise Functions from the CAO

The proposed ordinance would provide that duties currently assigned to the CAO that are related to administering any new cable television franchises will be transferred to the Commission and its support staff. Currently, with respect to any new franchise, the CAO would have the authority, in part, to (1) review and make recommendations to the Board of Supervisors regarding applications for cable television franchises, (2) investigate and monitor cable television franchises to establish whether they are in compliance with the conditions, rules and regulations governing the franchise and to request of the Board of Supervisors to terminate such franchises that fail to comply, (3) process consumer complaints with respect to cable television services, and (4) hold public hearings to review proposed changes in cable television rates, at the direction of the Board of Supervisors. The proposed ordinance would transfer these and other administrative duties from the CAO to the Telecommunications Commission and its support staff with respect to any new cable television franchises.

Limit Duration of New Cable Television Franchises

The proposed ordinance would limit the duration of any new cable television franchise to a 10-year term. Currently, there is a 15-year term limit placed on cable television franchises.

Recommendation: Approval of this proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: President Shelley	Supervisor Teng
Supervisor Leal	Supervisor Yaki
Supervisor Ammiano	Clerk of the Board
Supervisor Alioto	Chief Administrative Officer
Supervisor Bierman	Controller
Supervisor Brown	Margaret Kisliuk
Supervisor Hsieh	Paul Horcher
Supervisor Katz	Ted Lakey
Supervisor Kaufman	

BOARD OF SUPERVISORS
BUDGET ANALYST

Attachment

ESTIMATED COMMUNICATIONS REGULATORY COMMISSION BUDGET

	<u>Amount</u>
Executive Director - Salary	\$70,000
Full-time Clerical	40,000
Fringe Benefits @ 20%	22,000
Commissioners @ \$25.00 per meeting	5,400
 Rent @ \$1.24 sq ft per month & 150 sq ft	2,250
Travel (2 trips to Washington D.C. &	
3 regional trips)	3,500
City Attorney (estimated)	35,000
Materials & Supplies	3,000
Telephone	1,000
Subtotal Staff & Operating Expenses	\$182,550
 Equipment	
486 Computer & Laser Printer (2)	6,000
Telephone (2)	120
Desk* (2)	900
Chair* (2)	560
File Cabinet* (2)	590
Subtotal Equipment Expenses	\$8,170
 Total 1st Year Budget	\$190,320

*From Purchaser

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RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

JUN 27 1996

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, JULY 2, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

Both the Committee Room (Room 404) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #42 Downtown Loop and the #71 Haight/Noriega and the F Line to Market and Van Ness and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



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REGULAR CALENDAR

1. File 92-96-38. [Appointments, San Francisco Environment Commission] Hearing to consider appointment of member to the San Francisco Environment Commission, Stephen Krefting (Supervisor Brown - Seat 26510), term expired May 12, 1996, for three-year term ending May 12, 1999; and Loren Rosemond (Supervisor Leal - Seat 26501) term expired May 12, 1995, for three-year term ending May 12, 1998. (Clerk of the Board)

Applicant: Ximena Delgado (Supervisor Leal, Seat 26501)

ACTION:

2. File 97-95-34. [Telecommunications Commission] Ordinance amending Administrative Code by adding Article III, including Sections 11.50, 11.51, 11.52, 11.53, 11.54 and 11.55, to Chapter 11 of the San Francisco Administrative Code to create a Department of Telecommunications and Information Services, a Telecommunications Commission, and a Telecommunications Plan and adding Sections 11.45 and 11.46 to transfer certain functions regarding cable television franchises from the Chief Administrative Officer to the Department of Telecommunications and Information Services and to limit the duration of new cable television franchises to ten years. (Supervisors Bierman, Ammiano, Alioto)
(Consideration continued from 6/18/96)

ACTION:

3. File 121-96-8.1. [Home Delivery Services] Ordinance amending Police Code by amending Section 3305.1, relating to home delivery services. (Supervisor Shelley)

ACTION:

CHARTER AMENDMENTS

4. File 246-96-1. [Charter Amendment, Retiree COLA Proposal] Charter amendment (Second Draft) amending the charter by adding Section A8.526-1 relating to a supplemental cost of living benefit for retirees and their survivors. (Supervisor Bierman)

ACTION:

5. File 249-96-1. [Charter, Board of Supervisors Compensation] Charter amendment (Second Draft) amending Section 2.100 to set the salary for members of the Board of Supervisors at \$50,000 per year and by adding Section A8.502-1 to make members of the Board of Supervisors members of the Retirement System. (Supervisor Ammiano)

ACTION:

6. File 250-96-1. [Charter, At-large Election, Preference Voting] Charter amendment (Second Draft) amending Sections 2.100 and 2.116 and adding Section 13.110 to provide for the at-large election of 11 supervisors, using preference voting. (Supervisor Ammiano)

ACTION:

7. File 251-96-1. [Charter, District Election, Preference Voting] Charter amendment (Second Draft) amending Sections 2.100, 2.116, 13.101, 13.102 and 14.103 and adding Section 13.110 to provide for the election of 11 supervisors from 11 districts. (Supervisor Ammiano)

ACTION:

8. File 252-96-1. [Charter, Collective Bargaining] Charter amendment (Second Draft-draft) amending the charter by deleting Sections A8.342, A8.343, A8.344, A8.345, A8.346, A8.364, A8.405, A8.409 through A8.409-6 and A8.590-1 through A8.590-7; by amending Sections 8.403, 8.404 and 11.100 and by adding Sections 10.106 and 11.102 concerning compensation of elected officials, collective bargaining and civil service reform. (Supervisor Shelley)

ACTION:

9. File 253-96-1. [Charter, Firefighters Retirement Benefits] Charter amendment (Second Draft-draft) amending Section 8.588 relating to retirement benefits for firefighters. (Supervisor Shelley)

ACTION:

10. File 257-96-1. [Charter Amendment, Consent Decrees] Charter amendment (First Draft-draft) amending Sections 10.102, 10.104 and Appendix A8.590-5 relating to the hiring and promotion of uniformed members of the San Francisco Police and Fire Departments. (Supervisor Shelley)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

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7/10/96

Special

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

JUL 08 1996

SAN FRANCISCO
PUBLIC LIBRARY

* SPECIAL MEETING

WEDNESDAY, JULY 10, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410 -
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

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CHARTER AMENDMENT

1. File 252-96-1. [Charter, Collective Bargaining] Charter amendment (Third Draft-draft) amending the Charter by deleting Sections 10.100, 10.101, A8.405, A8.409 through A8.409-6, and A8.590-1 through A8.590-7, amending Sections A8.343, A8.403A, A8.404 and 11.100, and adding Sections 10.106 and 11.102, concerning compensation of elected officials, collective bargaining and civil service reform. (Supervisors Shelley, Bierman)

NOTE: [Pending amendments dated July 2, 1996, concerning Police Accountability (including Office of Citizens Complaints) available for review in file]

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

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CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 28, 1996

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst Recommendations for meeting of

JUL 02 1996

SUBJECT: July 2, 1996 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 2 - File 97-95-34

Note: This item was continued by the Rules Committee at its meeting of June 18, 1996.

Item: Ordinance amending Administrative Code by adding Article III, Sections 11.50, 11.51, 11.52, 11.53, 11.54, and 11.55 to create a Department of Telecommunications and Information Services, a Telecommunications Commission, and a Telecommunications Plan, and adding Sections 11.45 and 11.46 to transfer certain functions regarding cable television franchises from the Chief Administrative Officer (CAO) to the Department of Telecommunications and Information Services and to limit the duration of new cable television franchises to ten years.

Description: The proposed ordinance would add a new Article III to the Administrative Code, and make other amendments which would provide for, (1) the establishment of a Department of Telecommunications and Information Services, (2) the establishment of a Telecommunications Commission, (3) the transfer of all functions previously performed by the Department of Electricity and Telecommunications to the new Department, (4) the transfer of all functions previously performed by the Controller's Information Services Division (ISD) to the Department, (5) the transfer of certain functions

related to cable television franchises from the CAO to the Department, and, (6) limit the duration of new cable television franchises.

Telecommunications Commission

The proposed Telecommunications Commission would consist of five members who would be appointed by the Mayor, subject to approval or rejection by resolution of the Board of Supervisors. Members of the Commission may be removed by the Mayor. At least one member of the Commission must be drawn from persons with expertise in fields related to, but not limited to, telecommunications management and telecommunications engineering. At least one member must represent public, educational and government access to telecommunications and information services technologies, and at least two members must represent the interests of consumers and the general public. With respect to initial appointments, one member will be designated to serve a one-year term, two members will be designated to serve two-year terms, and two members will be designated to serve three-year terms. Thereafter, members will be appointed for three-year terms. Commission members would receive \$25 for each Commission meeting attended. No member would be paid for attending more than three Commission meetings in any one calendar month. Based on five members of the Telecommunications Commission attending a total of 36 meetings per year, the total maximum cost to the City for compensation to Commissioners would be \$4,500 annually. The Commission shall meet at least once a month. In addition, the Directors of the Departments of Public Works, City Planning, and Public Health, or their designee, shall attend the Commission's meetings and shall fully cooperate with the Commission and the Department in fulfilling its duties.

Powers and Duties of the Commission

The Commission's powers and duties would include, but not necessarily be limited to, the following:

- (1) Advising the Director of the Department of Telecommunications and Information Services in all matters regarding the discharge of their duties.
- (2) Monitoring and advising the Mayor, Board of Supervisors and other City Departments about advances in

the field of telecommunications and their impact in the City.

(3) Establishing policies regarding the use and occupation of the public rights-of-way for installation of telecommunications facilities.

(4) Within the limits of State law, Federal law, and the Charter, adopting rules and procedures governing; (a) regulation of rates for the basic cable television service tier, (b) customer service by cable television operators, (c) the use and operation of the public, educational and government access channels, and, (d) any additional rules and regulations necessary for the conduct of its business.

(5) Issuing orders to adjust, settle or compromise any controversy between any cable operator and any subscriber regarding the subscriber's bill, signal, services, or any other matter within the City's jurisdiction.

(6) Evaluating the City's policies affecting the provision of telecommunications services and installation of telecommunications facilities within the City and developing a Telecommunications Plan. The Telecommunications Plan should propose City policies to facilitate the deployment of new technologies within the City, maximize the availability of telecommunications services to City residents, businesses and departments, and protect the health, safety and welfare of the residents. The Plan shall be drafted with maximum public participation and submitted to the Board of Supervisors for adoption within 18 months of the passage of the proposed ordinance. The Plan shall be updated, with public participation, and amended as needed, every 24 months.

Transfer of Functions

As noted above, the proposed ordinance would provide that; (a) all functions currently performed by the Department of Electricity and Telecommunications would be transferred to the new Department of Telecommunications and Information Services, (b) all functions currently performed by the Controller's Information Services Division (ISD) would be transferred to the new Department, and, (c) duties currently assigned to the CAO that are related to administering any new cable television franchises will be transferred to the Department.

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Currently, with respect to any new franchise, the CAO would have the authority, in part, to (1) review and make recommendations to the Board of Supervisors regarding applications for cable television franchises, (2) investigate and monitor cable television franchises to establish whether they are in compliance with the conditions, rules and regulations governing the franchise and to request of the Board of Supervisors to terminate such franchises that fail to comply, (3) process consumer complaints with respect to cable television services, and (4) hold public hearings to review proposed changes in cable television rates, at the direction of the Board of Supervisors. The proposed ordinance would transfer these and other administrative duties from the CAO to the Department of Telecommunications and Information Services.

Limit Duration of New Cable Television Franchises

The proposed ordinance would limit the duration of any new cable television franchise to a 10-year term. Currently, there is a 15-year term limit placed on cable television franchises.

Comments:

1. The Mayor's FY 1996-97 budget, which is currently under review by the Budget Committee of the Board of Supervisors, provides for a General Fund operating budget of \$7,874,385 for the new Department of Telecommunications and Information Services. Total proposed FY 1996-97 expenditures by the Department of Telecommunications and Information Services are \$50,067,744. Of this amount, \$42.1 million is provided through recoveries from other City Departments.
2. The Mayor's proposed budget for FY 1996-97 provides for the transfer of positions totaling 257.75 FTE from the Department of Electricity and Telecommunications, the Controller's ISD, and the Office of the CAO to the new Department of Telecommunications and Information Services. In addition, new positions totaling 15.73 FTE are requested for the Department, for an overall total of 273.48 positions in the new Department.

Recommendation:

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Item 4 - File 246-96-1

Proposed Ballot

Measure:

Charter Amendment to add Section A8.526-1, that would establish a Reserve Account in the Employees Retirement System Trust Fund to provide a one-time increase of \$3.00 per month, or \$36.00 per year for each full year of retirement, for persons who retired on or before December 30, 1979, and allow up to a three percent (3%) cost of living allowance (COLA) for Miscellaneous, Police and Fire retirees, payable only if there are sufficient funds in the Reserve Account.

Draft:

Second draft

Sections Affected: Addition of Section A8.526-1. No other sections are affected.

Description:

The proposed Charter Amendment would establish a Reserve Account in the Employees Retirement System Trust Fund (the Retirement Fund), that would be used to provide (1) a one-time increase of \$3.00 per month (or \$36.00 per year) for each full year of retirement, to all members who retired on or before 12/31/79, payable beginning July 1, 1997; and (2) ongoing cost of living adjustments (COLA) to retirement allowances, in addition to the cost of living adjustments now provided for in the Charter, that would increase pension benefits overall to three percent above the previous year's pension benefit level, in each year that the COLA is awarded.

According to the proposed Charter Amendment, earnings of the Retirement Fund that exceed the expected earnings on the Retirement Fund assets in any fiscal year would be placed in the Reserve Account at the end of that fiscal year. The expected earnings in each fiscal year are the earnings projected by the actuarial assumption for return on assets for that fiscal year. The maximum amount of funds to be placed in the Reserve Account, as specified in the proposed Charter Amendment, would be equal to the amount of funds needed to fund the proposed new benefits for a period of three years.

Comments:

1. At this time, the Charter allows for a cost-of-living benefit equal to the accumulated change in the Consumer Price Index (CPI), with a maximum accumulated increase or decrease of two percent per year of the initial pension amount (called the Base Gross Payment). Therefore, this cost of living benefit is not compounded each year. Under the proposed Charter Amendment, the COLA increase would be three percent, based on the previous year pension amount, and therefore this increase would be compounded (and therefore higher) in each year that a COLA increase is awarded.

2. According to a 1994 survey of State and Local Government Retirement Systems, approximately 43 percent of jurisdictions surveyed provide automatic COLAs, and 26 percent provide ad hoc COLAs. In addition, the level of COLAs granted by the 70 percent of public retirement plans that provided COLAs for the years between 1988 and 1992, was slightly over three percent. Mr. Murphy reports that some public plans have used 'excess earnings' to fund increased benefits, including the California Public Employees Retirement System (CalPERS), but notes that CalPERS does not set aside all of its excess earnings, as would be required in this proposed Charter Amendment.
3. According to Mr. Kieran Murphy of the Retirement System, excess earnings, or earnings that exceed the earnings projected by the actuarial assumption for return on assets in any fiscal year, are usually necessary to offset below-expected earnings in other fiscal years. According to Mr. Murphy, these above-expected and below-expected earnings should balance over the long term. Mr. Murphy advises that earnings above those projected in any fiscal year should only be labeled as 'excess earnings' after many years of demonstrated earnings in excess of actuarial assumptions. Therefore, according to Mr. Murphy, the proposed mechanism of funneling all 'excess earnings' into a Reserve Account each fiscal year to fund additional benefits is a "questionable" practice and will adversely impact the overall funding of benefits.

Effect on the Cost of Government:

As of the writing of this report, the Controller's Office has not yet completed an estimate of the effect on the cost of government from the proposed Charter Amendment. Mr. John Madden of the Controller's Office advises that an estimate will be provided to the Rules Committee at its meeting of July 2, 1996.

Mr. Murphy advises that the retirement benefit increases included in this proposed Charter Amendment could be funded in one of two ways: (1) by 'prefunding' the benefit, which means increasing the ongoing costs of the Retirement Plan to reflect the automatic three percent COLA, at an estimated cost of approximately \$45 million per year for the next 20 years, and \$16 million per year thereafter; or (2) using a pay-as-you-go approach, resulting in a lower up-front cost (approximately \$33 million in costs for the first three years), but a long-term cost that would also include the 20 annual payments of \$45 million, plus interest. Mr. Murphy reports that prefunding the proposed additional benefits would be more

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fiscally prudent, and is the method usually applied to retirement benefit improvements.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

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Item 5 - File 249-96-1

Proposed Ballot

Measure: Charter Amendment

Draft: Second Draft

Sections Affected: Section 2.100

Item: Charter Amendment amending Section 2.100 to set the salary for members of the Board of Supervisors at \$50,000 per year and by adding Section A8.502-1 to make members of the Board of Supervisors members of the Retirement System.

Description: The proposed Charter Amendment would amend Section 2.100 to adjust the manner in which members of the Board of Supervisors are compensated. Currently, members of the Board of Supervisors are paid an amount of \$23,924 annually. The proposed Charter Amendment would specify that members of the Board of Supervisors would be paid a an amount of \$50,000 annually.

The proposed Charter Amendment would also add Section A8.502-1 to make members of the Board of Supervisors members of the Retirement System under the same conditions as apply to Miscellaneous Employees of the City. Beginning in FY 1996-97, the City contributes 1.83 percent of salaries of Miscellaneous Employees for the City's Retirement contribution, plus 4.0 percent for the City's additional pick-up of the employee's portion of Retirement contributions, for a total of 5.83 percent of salaries, with the percentage of the City's pick-up contribution increasing in future years. Under the proposed Charter Amendment, members of the Board of Supervisors would be eligible for these same provisions.

- Fiscal Impact:**
1. Current total annual compensation for the 11 members of the Board of Supervisors, based on the annual salary level of \$23,924, is \$263,164. If Board members' annual salaries were set at \$50,000, the total annual compensation for the 11 members would be \$550,000, and the increased salary cost to the City would be \$286,836 (\$550,000 less \$263,164).
 2. Based on a total Retirement contribution of 5.83 percent of salaries, the annual cost to make members of the Board of Supervisors members of the Retirement System beginning in FY 1996-97 would be \$32,065.

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**Effect on the Cost
of Government:**

As of the writing of this report, the Controller's Office has not yet completed an estimate of the effect on the cost of government from the proposed Charter Amendment. Mr. John Madden of the Controller's Office advises that an estimate will be provided to the Rules Committee at its meeting of July 2, 1996.

Comment:

The present salary level of \$23,924 for members of the Board of Supervisors was set in 1982. The current average salary level for members of the Boards of Supervisors in five Bay Area counties is as follows:

<u>County</u>	Board of Supervisors <u>Annual Salary</u>
Alameda	\$50,918
Contra Costa	50,328
Marin	45,336
San Mateo	52,400
Santa Clara	<u>78,455</u>
Average of 5 counties	\$55,487

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Items 6 and 7 - Files 250-96-1 and 251-96-1

Proposed Ballot

Measures:

File 250-96-1 - Charter Amendment
File 251-96-1 - Charter Amendment

Description

File 250-96-1 - Charter Amendment

Draft: Second

Sections Affected: Sections 2.100 and 2.116 would be amended and a new Section 13.110 would be added to provide for the at-large election of 11 Supervisors, using preference voting.

Description:

Section 2.100 (Composition and Salary) currently provides in part , that the Board of Supervisors shall consist of eleven members elected at large. The proposed Charter Amendment would provide instead that the Board of Supervisors shall consist of eleven members elected at large using a system of preference voting.

The preference voting system as it applies to this Charter Amendment would provide that in years in which five Supervisors are to be elected; (1) voters designate on their ballots their first, second, third, fourth and fifth choices among the candidates for Supervisor, (2) all first choice votes are counted, and any candidate who receives 16.7 percent of the vote is elected, (3) if no candidate or fewer than five candidates receive 16.7 percent of the vote, the candidate who received the fewest number of first choice votes is eliminated, (4) the Director of Elections then identifies all of the ballots that cast first choice votes for the eliminated candidate and counts the second choice votes of those ballots along with the other first choice votes, (5) if the Director of Elections determines that a voter's second choice vote, or subsequent preference vote, has been cast for a candidate already elected, the Director counts the voter's next preference vote, (6) any candidate who receives 16.7 percent of the vote based on first choice and subsequent preference votes is elected, (7) this process is repeated until five candidates are elected. In years in which six Supervisors are to be elected, the preference voting system under this Charter Amendment is the same except (a) voters designate on their ballots their first through sixth instead of the first through five choices among the candidates for Supervisor, (b) all first choice votes are

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counted, and any candidate who receives 14.3 percent of the vote is elected, (c) if no candidate or fewer than six candidates receive 14.3 percent of the vote, the candidate who received the fewest number of first choice votes is eliminated, and (d) any candidate who receives 14.3 percent of the vote based on first choice and subsequent preference votes is elected.

Section 2.116 (President of the Board of Supervisors) currently provides, in part, that the member of the Board of Supervisors, who receives the highest number of votes at the last preceding Supervisorial election, shall assume the position of President of the Board of Supervisors. The proposed Charter Amendment would delete this provision, and instead provide that the Board of Supervisors shall elect one of its members as President for a two-year term.

The new Section 13.110 (Election of Supervisors) would provide that (1) the members of the Board of Supervisors shall be elected at large using a system of preference voting and (2) beginning with the general municipal election in November of 1998, members of the Board of Supervisors shall be elected using a system of preference voting, which is described above.

Effect on the Cost of Government

As of the writing of this report, the Controller's Office had not yet reported on the effect on the cost of the proposed Charter Amendment. Mr. Madden advises that the Controller's Office will provide such information at the Rules Committee meeting on July 2, 1996.

Ms. Germaine Wong, Registrar of Voters, advises that the Registrar of Voters would incur an estimated \$225,000 - \$325,000 in one-time costs to program the vote count system for preference voting, plus an undetermined additional cost to educate the voters about preference voting, plus an undetermined amount of on-going costs as a result of the Charter Amendment. In addition, Ms. Wong advises that analysis may reveal that the City's vote count system cannot accommodate preference voting, in which case a new vote count system would have to be purchased, at a cost of several million dollars.

File 251-96-1 - Charter Amendment

Draft: Second

Sections Affected: Sections 2.100, 2.116, 13.101, 13.102 and 14.103 would be amended and a new Section 13.110 would be added to provide for the election of 11 Supervisors from 11 Districts.

Description:

Section 2.100 (Composition and Salary) currently provides, in part, that the Board of Supervisors shall consist of eleven members elected at large. The proposed Charter Amendment would provide that the Board of Supervisors shall consist of eleven members elected by district instead of at large (The Attachment is a map and preliminary written description of the eleven districts).

Section 2.116 (President of the Board of Supervisors) currently provides, in part, that the member of the Board of Supervisors, who receives the highest number of votes at the last preceding Supervisorial election, shall assume the position of President of the Board of Supervisors. The proposed Charter Amendment would delete this provision, and instead provide that the Board of Supervisors shall elect one of its members as President for a two-year term.

Section 13.101 (Terms of Elective Office) currently provides, in part, that (1) at the Statewide general election to be held in November of 1996 and every fourth year thereafter, six members of the Board of Supervisors, shall be elected and, (2) at the Statewide general election in 1998 and every fourth year thereafter, five members of the Board of Supervisors shall be elected.

The proposed Charter Amendment would provide instead that members of the Board of Supervisors shall be elected as provided for under Section 13.110 (see below).

Section 13.102 (Municipal Runoff Elections) currently provides, in part, that if no candidate for any elective office of the City, except a member of the Board of Supervisors, a member of the Board of Education and a member of the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election.

The proposed Charter Amendment would remove the member of the Board of Supervisors as an exception to this provision, and instead provide that if no candidate for a member of the Board of Supervisors receives a majority of the votes cast within the district which he or she is running, then the two candidates from the district receiving the most votes shall qualify to have their names placed on the ballot for a district runoff election. Additionally, the proposed Charter Amendment would provide that a district runoff election for members of the Board of Supervisors shall be held on the second Tuesday of the next ensuing December.

Section 14.103 (Recall) outlines the guidelines and regulations for recalling elected officials of the City. The proposed Charter Amendment would add an additional provision to this Section. Under this provision, a recall petition for a member of the Board of Supervisors shall include signatures of voters from the district from which the Supervisor was elected in a number equal to at least ten percent of the registered voters of the district at the time of the filing of the notice of intention to circulate the recall petition.

The new Section 13.110 (Election of Supervisors) would provide that: (1) the members of the Board of Supervisors shall be elected by district, (2) the City shall be divided into eleven Supervisorial districts, (3) beginning with the general municipal election in November, 1998 and continuing once the new districts are established, the eleven districts shall be used for: (a) the election or recall of members of the Board of Supervisors, and, (b) filling any vacancy on the Board of Supervisors by appointment, (4) no change in the boundary or location of any district shall abolish or terminate the term of a member of the Board of Supervisors prior to the expiration of the Board member's term of office, (5) following the Federal census in the year 2000 and every Federal census (occurring every ten years) after that, the Director of Elections shall report to the Board of Supervisors on whether the Districts are in compliance with State, Federal and Charter criteria. If it is determined that any of the districts are not in compliance, the Board of Supervisors shall convene a nine-member task force to redraw the District boundaries and shall, by ordinance, adjust the boundaries of the Supervisorial districts according to the boundaries established by the task force, (6) each member of the Board of Supervisors, commencing with the general municipal election in November, 1998,

shall be elected by voters within a Supervisorial district and must: (a) have resided in the district for not less than 30 days preceding the date that he or she files a declaration of candidacy for the office, and, (b) continue to reside therein during his or her incumbency (if an incumbent ceases to be a resident of the district he or she shall be removed from office), (7) after the members of the Board of Supervisors who are elected in 1998 are seated, the Clerk of the Board of Supervisors shall determine by lot whether the Supervisors elected from the even or odd-numbered Supervisorial districts shall have terms of office that expire in two years or four years, (8) commencing with the general municipal election in November, 2000, the terms of office of the Supervisors elected from the even or odd-numbered Supervisorial districts shall be fours years.

Effect on the Cost of Government:

As of the writing of this report, the Controller's Office had not yet reported on the effect on the cost government of the proposed Charter Amendment. Mr. John Madden of the Controller's Office advises that the Controller's Office will provide such information at the Rules Committee meeting on July 2, 1996.

Ms. Wong advises that she estimates that the Registrar of Voters would incur approximately \$50,000 to \$100,000 in one-time costs for re-precincting and the creation of new voting district maps, plus an undetermined amount of on-going costs as a result of this proposed Charter Amendment.

Recommendation: Approval of the proposed Charter Amendments is a policy matter for the Board of Supervisors.

11 District Map - Final Blash\DeLeon PRI - SFSU 20 Nov. 1995



Lisel Blash & Rich DeLeon, PRI/SFSU (20 November 1995)

**INFORMAL DESCRIPTIONS OF FINAL 11-DISTRICT BOUNDARIES
(NOTE: MUST BE CAREFULLY CHECKED, LB/RD)**

DISTRICT 1

Starting at California and 32d Ave., North on 32d to the ocean, around the Presidio on northern side to Leavenworth. South on Leavenworth to Green. West on Green to Van Ness. South on Van Ness to O'Farrell. West on O'Farrell to Geary. West on Geary to Laguna. North on Laguna to California. West on California to Presidio Ave. South on Presidio to Geary. East on Geary to St. Joseph's Ave. South on St. Joseph's to Turk St. West on Turk to Masonic. South on Masonic to Fulton. West on Fulton to Parker. North on Parker to Lone Mountain Terrace. West on Lone Mountain Terrace to Stanyan. North on Stanyan to Geary. West on Geary to Arguello. North on Arguello to Lake St. West on Lake to 27th Ave. South on 27th Ave. to California. West on California to 32d. Ave.

DISTRICT 2

Starting at Sutter and Van Ness. North on Van Ness to Green. East on Green to Leavenworth. North on Leavenworth to the Bay. Follow shoreline East and South to Market. Southwest on Market to Sutter. West on Sutter to Van Ness.

DISTRICT 3

Starting at 17th St. and Guerrero. North on Guerrero which turns into Laguna to Geary. East on Geary to Starr King Way. South on Starr King Way to O'Farrell. East on O'Farrell to Van Ness. North on Van Ness to Sutter. East on Sutter to Market. Northeast on Market to the Bay. Follow shoreline south to 16th St. West on 16th to Pennsylvania. South on Pennsylvania to 17th St. West on 17th to Guerrero.

DISTRICT 4

Starting at Sloat and Great Highway. North on the Great Highway to Lincoln Way. East on Lincoln Way to 19th Ave. South on 19th Ave. to Sloat. West on Sloat to Great Highway.

DISTRICT 5

Starting at Fulton and Great Highway. North on Great Highway along shoreline to 32d Ave. South on 32d to California. East on California to 27th Ave. North on 27th to Lake St. East on Lake to Arguello Blvd. South on Arguello to Geary. East on Geary to Stanyan. South on Stanyan to Lone Mountain Terrace. East on Lone Mountain Terrace to Parker Ave. South on Parker to Fulton. East on Fulton to Great Highway.

DISTRICT 6

Starting at Judah and 19th Ave., North on 19th to Lincoln Way. East on Lincoln Way to Arguello. North on Arguello to Kezar Dr. East on Kezar to Stanyan. North on Stanyan to Fulton. East on Fulton to Masonic. North on Masonic to Turk. East on Turk to St. Joseph's Ave. North on St. Joseph's to Geary. West on Geary to Presidio Ave. North on Presidio to California. East on California to Laguna. South on Laguna to Market Southwest on Market to Duboce Ave. West on Duboce to Buena Vista Ave. East. Southwest on Buena Vista Ave East (which turns into Upper Terrace) to 17th St. West on 17th to Clayton. South on Clayton to Twin Peaks Blvd. South on Twin Peaks to Clarendon. West to Clarendon to Stanyan. North on Stanyan to 17th St. West and then northward around the UCSF campus to Parnassus. West on Parnassus to Judah. West on Judah to 19th Ave.

DISTRICT 7

Starting at Carter St and the County line, North on Carter to Geneva Ave. East on Geneva around west side of McLaren Park to La Grande Ave. North on La Grande to Dublin. North on Dublin, which turns into La Grande and along the western border of McLaren Park to Burrows St. East on Burrows to Harvard. South on Harvard to Bacon. East on Bacon to Oxford. South on Oxford to Wayland. East on Wayland to Cambridge. North on Cambridge to Felton. East on Felton to Amherst. North on Amherst to Silver. East on Silver to Colby. North on Colby to Sweeny. East on Sweeny to Bowdoin. North on Bowdoin to I-280. Northeast on I-280 to Bayshore Blvd. North on Bayshore to where it turns into Hwy-101. North on Hwy-101 to 17th St. East on 17th to Pennsylvania. North on Pennsylvania to 16th. East on 16th to the shoreline. Follow shoreline South to county line. Follow county line West to Carter St.

DISTRICT 8

Starting at Ocean Ave. and I-280, Northeast on I-280 to where it turns into Circular Ave. Northeast on Circular Ave until it turns into San Jose Ave. North on San Jose Ave to 25th St. West on 25th St. to Guerrero. North on Guerrero to 17th. East on 17th to Hwy-101. South on Hwy-101 to Bayshore Blvd. Continue South on Bayshore to Alemany. West on Alemany to Access Road 2. South on Access Road 2 to I-280. West on I-280 to Mission. South on Mission to Alemany. Southwest on Alemany to Ocean Ave. West on Ocean to I-280.

DISTRICT 9

Starting at San Jose Ave. and Bosworth, West on Bosworth to O'Shaughnessy Blvd. West and the North on O'Shaughnessy to Portola Drive. Northeast on Portola to Twin Peaks Blvd. North on Twin Peaks Blvd. to Clayton. North on Clayton to 17th St. East on 17th St. and then North to Upper Terrace. North on Upper Terrace to Buena Vista Ave.

East North on Buena Vista Ave East to Duboce. East on Duboce to Market. North on Market to Guerrero. South on Guerrero to 25th St. East on 25th St. to San Jose Ave. South on San Jose Ave. to Chavez (Army). West on Chavez to San Jose Ave. Southeast on San Jose Ave. to Bosworth.

DISTRICT 10

Starting at southwest corner of City at county line and coastline, follow shoreline North to Sloat. East on Sloat to 19th Ave. North on 19th Ave. to Judah. East on Judah to Parnassus. Continue East on Parnassus to Hillway Ave. and continue Southeast around UCSF campus to Stanyan. South on Stanyan to Clarendon. East on Clarendon to Twin Peaks Blvd. South on Twin Peaks to Portola. East on Portola to O'Shaughnessy. Southeast on O'Shaughnessy to Bosworth. East on Bosworth to Circular Ave. West on Circular Ave. to I-280. South on I-280 to Ocean Ave. East on Ocean to Ashton. South on Ashton to Holloway. West on Holloway to Junipero Serra. South on Junipero Serra to 19th Ave. South on 19th Ave to county line. Follow county line (Congo) West to Coast.

DISTRICT 11

Starting at county line and 19th Ave., North on 19th Ave. to Junipero Serra. Continue North on Junipero Serra to Holloway. East on Holloway to Ashton. North on Ashton to Ocean Ave. East on Ocean Ave. to Alemany. Northeast on Alemany to Mission. North on Mission to I-280. East on I-280 to Bowdoin St. South on Bowdoin to Sweeny. West on Sweeny to Colby. South on Colby to Silver Ave. West on Silver to Amherst. South on Amherst to Felton. West on Felton to Cambridge. South on Cambridge to Wayland. West on Wayland to Oxford. North on Oxford to Bacon. West on Bacon to Harvard. North on Harvard to Burrows. West on Burrows and then follow south along Western border of McLaren Park to La Grande Ave. Continue South on La Grande along Western border of McLaren Park to Geneva Ave. East on Geneva to Carter. South on Carter to county line. West along county line to 19th Ave.

Item 8 - File 252-96-1

Proposed Ballot

Measure: Charter Amendment

Draft: Second

Description: The proposed Charter Amendment would delete sections A8.342 (concerning disciplinary suspensions), A8.343 (relating to Fine, Suspension and Dismissal in the Police and Fire Departments), A8.344 (Exoneration of Charges), A8.345 (Disciplinary Action Against Striking Employees), A8.346 (Disciplinary Action Against Striking Employees other than Members of the Police and Fire Departments), A8.364 (Authorization to Transfer Unused Sick Leave), A8.405 (Salaries of Uniformed Forces in the Police and Fire Departments), A8.409 through A8.409-6, and A8.590-1 through A8.590-7, (Declarations of Policy and Collective Bargaining Procedures). The proposed Charter Amendment would also amend Section 8.403, 8.404 and 11.100, and adding sections 10. 106 and 11. 102 (Discussed below)

Section 10.106 would be added concerning Compensation Of Elected Officials. Beginning in 1997, the Civil Service and Employee Relations Commission (a new Commission that would replace the current Civil Service Commission, would be authorized to adjust the salaries of all elected officials of the City and County of San Francisco as of July 1 of each fiscal year to reflect any upward change in the Urban Consumer Price Index as of the preceding January 1 for the year then ended, provided, however, that any increase in the salaries of elected officials pursuant to this section may not exceed 5 percent on an annual basis.

Section 11.100. would be added concerning General Collective Bargaining procedures. Under the proposed Charter Amendment, the Mayor or his/her designee and in consultation with the Board of Supervisors would be responsible for meeting and conferring with recognized employee organizations regarding salaries, health, retirement and other benefits, working conditions, and other terms and conditions of employment to be embodied in memoranda of understanding.

Section 11.102 would be added detailing Employer - Employee Relations Procedures including impasse resolution procedures involving the use of "mediation/arbitration committees". Section 11.103 would be added and create a new Civil Service and Employees Relations Commission composed of five

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members appointed by the Mayor who would serve three year terms. Such Commissioners could only be dismissed for cause. The Commission would assume the duties of the existing Civil Service Commission.

Section 8.403 of the Charter would be amended by adding a new Subsection(g) as follows.

"(g) Notwithstanding any provisions of this Charter, including other subparts of this section, the Board of Supervisors may, after meeting and conferring with and reaching agreement with the employee organization certified as the representative for the classifications of nurses governed by this Charter Section, fix retirement benefits for each classification."

Section 8.404 of the Charter would be amended by adding a new Subsection 8.404(h) to read as follows:

"(h) Notwithstanding any provisions of this Charter, including other subparts of this section, the Board of Supervisors may, after meeting and conferring with and reaching agreement with the employee organization certified as the representative for Municipal Railway operators, fix retirement benefits for platform employees and coach and bus operators."

Effect on the Cost of Government:

As of the writing of this report, the Controller's Office has not yet completed an estimate of the effect on the cost of government from the proposed Charter amendment. Mr. John Madden of the Controller's Office advises that an estimate will be provided to the Rules Committee at its meeting of July 2, 1996.

According to Mr. Kieran Murphy, Actuary for the Employees Retirement System, the practice of negotiating retirement benefits instead of having such benefits fixed by Charter, would be consistent with most large, public retirement systems.

In the judgment of the Budget Analyst, the fiscal impact of the proposed Charter Amendment would be dependent on the outcome of future collective bargaining and therefore cannot be estimated at this time.

Recommendation:

The proposed Charter Amendment is a policy matter for the Board of Supervisors.

Item 9- File 253-96-1

Proposed Ballot

Measure:

Charter Amendment relating to retirement benefits for Firefighters

Draft:

Second

Sections Affected: Charter Section 8.588

Comments:

The proposed Charter Amendment would improve retirement benefit provisions for Employees Retirement System (ERS) members of the Fire Department hired after November 1, 1976. Such members are known as "Tier 2" members, as distinguished from "Tier 1" members who were hired prior to November 1, 1976 and generally receive better retirement benefits than Tier 2 members. Currently, Tier 2 members, receive retirement benefits as follows:

Service Retirements: Members with 25 years or more of service who have attained the age of 50 and have 25 years or more of credited service receive 50 percent of their average final compensation plus an additional 3 percent for each year or partial year in excess of 25 years up to a maximum of 70 percent of average final compensation. Average final compensation is defined as the average of base salary earnable during the highest consecutive 78 biweekly pay periods for which service was credited.

Duty Disability Retirement Benefits: Members who are incapacitated to the extent that they cannot perform the duties of a Firefighter due to injuries received while performing Firefighter duties are eligible for benefits regardless of the length of service. The benefit allowance is 50% of average final compensation, with benefits recalculated at the time a member would have become eligible for service retirement based on the salary of the rank at that time and the assumption that the member would have earned credited service during the period of disability.

**Proposed
Provisions:**

The proposed Charter Amendment would change the retirement benefits for Tier 2 members as follows:

Service Retirements: Members with 25 years or more of service who have attained the age of 50 and have 25 years or more of credited service would receive the larger of (a) two percent of final compensation for each of the first 25 years of

Memo to Rules Committee
July 2, 1996 Rules Committee Meeting

service, then three percent of final compensation for each year of service rendered in excess of 25 years; or (b) the percent of final compensation set forth opposite his or her age at retirement, computed in accordance with the schedule below:

Retirement Age	Percent for Each Year of Credited Service
50	2.000
50.25	2.035
50.50	2.070
50.75	2.105
51	2.140
51.25	2.175
51.50	2.210
51.75	2.245
52	2.280
52.25	2.315
52.50	2.350
52.75	2.385
53	2.420
53.25	2.455
53.50	2.490
53.75	2.525
54	2.560
54.25	2.595
54.50	2.630
54.75	2.665
55	2.700

Under the proposed Charter Amendment, the retirement allowance would not exceed 75 percent of a member's average final compensation.

Duty Disability Retirement Benefits: Members who are incapacitated to the extent that they cannot perform the duties of a Firefighter due to injuries received while performing Firefighter duties would receive the same improvements to retirement benefits as outlined in the description and table above for Service Retirement.

Memo to Rules Committee
July 2, 1996 Rules Committee Meeting

The proposed Charter Amendment would, if approved, result in Tier 2 members of the Fire Department receiving improved retirement benefits that would in some cases remain slightly lower than Tier 1 members. However, Tier 2 members would, if they reach the maximum of 75 percent of average final compensation, receive benefits equal to Tier 1 members in the initial year of their retirement.

Effect on the Cost of Government:

As of the writing of this report, the Controller's Office has not yet completed an estimate of the effect on the cost of government from the proposed Charter amendment. Mr. John Madden of the Controller's Office advises that an estimate will be provided to the Rules Committee at its meeting of July 2, 1996.

According to Mr. Kieran Murphy, Actuary for the Employees Retirement System, the increased annual cost of the proposed Charter Amendment would be \$1.5 million annually in additional employer retirement contributions paid by the City for the next 15 years and, using existing actuarial assumptions, \$4.0 million annually for years 16 through 20. Thereafter, the increased cost would be approximately \$2.0 million annually.

Recommendation:

The proposed Charter Amendment is a policy matter for the Board of Supervisors.

Item 10 - File 257-96-1

Proposed Ballot

Measure:

Charter Amendment amending Sections 10.102, 10.104 and Appendix A8.590-5 relating to the hiring and promotion of uniformed members of the San Francisco Police and Fire Departments.

Draft:

First

Sections Affected:

Sections 10.102, 10.104, and Appendix A8.590-5

Description:

Currently, the Police and Fire Departments are subject to consent decrees which govern testing, hiring, promotional, and other personnel practices for uniformed, non-exempt personnel of the Departments. In the case of the Fire Department, the City will propose that the consent decree be terminated in January of 1997, and in the case of the Police Department, in June of 1997. Under current Charter provisions, when the consent decree is terminated, testing and hiring practices would then be carried out by the Department of Human Resources.

The proposed Charter Amendment would instead remove uniformed members of the Police and Fire Departments from the Civil Service System, and give the Police Commission and the Fire Commission, respectively, the sole authority to adopt rules, policies, and procedures governing the testing, hiring, and promotion of non-exempt uniformed personnel. In other words, the functions of developing testing and promotional procedures for the Police and Fire Departments which are now carried out by the Consent Decree Units under the Department of Human Resources would be carried out by units which would report to the Police and Fire Commissions.

In order for the consent decrees to be terminated, the Police and Fire Departments must each demonstrate that they have met the goals of the consent decrees with respect to recruiting, training, and promoting women and minority staff. In addition, the Departments must show that they have hiring, promotional, organizational, training, and management practices which will keep the Police and Fire Departments free of discrimination. Ms. Lori Giorgi of the City Attorney's Office advises that, in the opinion of the City Attorney, the proposed Charter Amendment would help demonstrate these conditions by insuring that the City will continue to use valid, job-related examination and selection procedures once the consent decrees are terminated, and by

insuring that the Police and Fire Commissions are directly responsible for the hiring and promotional practices of their Departments.

In addition, the proposed Charter Amendment would add the ranks of Assistant Deputy Fire Chief and Assistant Fire Chief to the list of Civil Service-exempt positions in the Fire Department. As such, these ranks would become appointed positions, serving at the pleasure of the Fire Chief. The Fire Department advises that it is the position of the Department that these positions function as management positions, and should therefore be appointed and managed directly by the Fire Chief.

Finally, the proposed Charter Amendment would provide that hiring and promotional practices for non-exempt uniformed personnel of the Police and Fire Departments would not be subject to the collective bargaining and binding arbitration procedures which apply to most labor issues for the Departments. In the City's Civil Service System, testing and promotional practices are similarly not subject to arbitration proceedings; this provision would specify that testing and promotional practices are also not subject to arbitration proceedings in the Police and Fire Departments.

**Effect on the Cost
of Government:**

As of the writing of this report, the Controller's Office has not yet completed an estimate of the effect on the cost of government from the proposed Charter Amendment. Mr. John Madden of the Controller's Office advises that an estimate will be provided to the Rules Committee at its meeting of July 2, 1996.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Memo to Rules Committee
July 2, 1996 Rules Committee Meeting



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Brown
Supervisor Hsieh
Supervisor Katz
Supervisor Kaufman
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Chief Administrative Officer
Controller
Margaret Kisliuk
Paul Horcher
Ted Lakey

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7/16/96

CALENDAR

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

JUL 11 1996

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, JULY 16, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE., ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

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For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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1. File 33-96-6. [Appointment, Planning Commission] Hearing to consider Mayor's appointment of Dennis A. Antenore to serve as a member of the San Francisco Planning Commission. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Dennis Antenore to serve as a member of the San Francisco Planning Commission.
- b. Motion rejecting Mayor's appointment of Dennis Antenore to serve as a member of the San Francisco Planning Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board. Last day for Board consideration is 7/29/96.

ACTION:

2. File 33-96-7. [Appointment, Public Utilities Commission] Hearing to consider Mayor's appointment of Frank L. Cook to serve as a member of the San Francisco Public Utilities Commission. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Frank Cook to serve as a member of the San Francisco Public Utilities Commission.
- b. Motion rejecting Mayor's appointment of Frank Cook to serve as a member of the San Francisco Public Utilities Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board. Last day for Board consideration is 8/5/96.

ACTION:

3. File 33-96-8. [Appointment, Director of Human Resources] Hearing to consider Mayor's appointment of Andrea R. Gourdine to serve as Director of the San Francisco Department of Human Resources. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Andrea Gourdine to serve as Director of the San Francisco Department of Human Resources.
- b. Motion rejecting Mayor's appointment of Andrea Gourdine to serve as Director of the San Francisco Department of Human Resources.

ACTION:

4. File 88-96-1. [Executive Branch Reorganization] Motion approving Mayor's Plan, dated July 1, 1996, to reorganize departments within the Executive Branch. (Clerk of the Board) (Referred to Committee with direction to report back to Board by 7/29/96)

ACTION:

5. File 88-96-1.1. [Executive Branch Reorganization] Motion disapproving Mayor's Plan, dated July 1, 1996, to reorganize departments within the Executive Branch. (Clerk of the Board) (Referred to Committee with direction to report back to Board by 7/29/96)

ACTION:

6. File 92-96-38. [Appointments, San Francisco Environment Commission] Hearing to consider appointment of member to the San Francisco Environment Commission, Stephen Krefting (Supervisor Brown - Seat 26510), term expired May 12, 1996, for three-year term ending May 12, 1999; and Loren Rosemond (Supervisor Leal - Seat 26501) term expired May 12, 1995, for three-year term ending May 12, 1998. (Clerk of the Board)
(Consideration continued from 7/2/96)

Applicant: Ximena Delgado (Supervisor Leal, Seat 26501)

ACTION:

7. File 92-96-22. [Appointments, City-Wide Alcoholism Advisory Board] Hearing to consider appointing members to the City-Wide Alcoholism Advisory Board, vice Philip Zamora (Seat No. 20601 - Professional research, or personal interest in alcoholism), and Heather Bostian (Seat No. 20602 - Professional, research, or personal interest in alcoholism) terms expiring July 1, 1996, for new three-year term ending July 1, 1999. (Clerk of the Board)
(Consideration continued from May 7, 1996)

Applicants: Donovan Barks (vice Philip Zamora, Seat 20601)
Heather Bostian (vice herself, Seat 20602)

ACTION:

8. File 92-96-19. [Appointments, City-Wide Alcoholism Advisory Board] Hearing to consider appointing members to the City-Wide Alcoholism Advisory Board, vice Linda Davis Hills (Seat No. 20615 - Professional research, or personal interest in alcoholism) and vice Otis D. Turner (Seat No. 20606 - Professional, research, or personal interest in alcoholism), resigned, for unexpired portion of three-year term ending July 1, 1998. (Clerk of the Board)
(Consideration continued from May 7, 1996)

Applicant: Charlotte Sullivan
Leon Winston
Carlos Martinez

ACTION:

9. File 92-95-41. [Appointments, Advisory Council to Commission on the Aging] Hearing to consider appointment of members to the Advisory Council to the Commission on the Aging, vice Gerrie Pearlman (Seat No. 20309 - must be nominee of Supervisor Alioto), Roberta E. Carter (Seat No. 20310 - must be nominee of Supervisor Katz), Arthur Hurwitz (Seat No. 20311 - must be nominee of Supervisor Ammiano), terms expired March 31, 1995, for new two-year terms ending March 31, 1997. (Clerk of the Board)

(Consideration continued from 12/19/95)

Applicants: Wende Chan (Seat 20309 - Supervisor Alioto)
Arthur Hurwitz (Seat 20311 - Supervisor Ammiano)

ACTION:

10. File 92-96-39. [Appointments, Lead Hazard Citizens Advisory Committee] Hearing to consider appointments of Lead Hazard Reduction Citizens Advisory Commission, James Hutchinson (Seat 26702 - BBI, DPW or designee); Doris Landry (Seat 26705 - represents childcare); vice Marc Delaney (Seat 26706 - Mayor's Office of Housing); Neil Gendel (Seat 26708 - public interest organization); Norman Fong (Seat 26713 - tenant organization); Stephen Davis (Seat 26714 - lead testing expert); Mitch Fine (Seat 26716 - financial expert); terms expired December 22, 1995, for four-year terms ending December 22, 1999. (Clerk of the Board)

Applicants: Catherine Drayton (vice Marc Delaney, Seat 26707, Mayor's Office of Housing)

11. File 193-96-4. [Glen Canyon Park Traffic Issues] Hearing to consider the progress of the Recreation and Park Department concerning the issue of traffic management in Glen Canyon Park. (Supervisor Shelley)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE!!!

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1/16/96

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

July 12, 1996

DOCUMENTS DEPT

TO: Rules Committee

JUL 15 1996

FROM: Budget Analyst *Recommendations for reorganization*SAN FRANCISCO
PUBLIC LIBRARY**SUBJECT:** July 16, 1996 Rules Committee MeetingItems 4 and 5 - Files 88-96-1 and 88-96-1.1

Items: Item 3, File 88-96-1 - Motion approving the Mayor's plan dated July 1, 1996 to reorganize City departments within the Executive Branch.

Item 4, File 88-96-1.1 - Motion disapproving the Mayor's plan dated July 1, 1996 to reorganize City departments within the Executive Branch.

Description: Pursuant to Section 4.128 of the Charter, effective July 1, 1996, the Mayor is authorized to reorganize City departments within the Executive Branch upon issuing a notice to this effect to the Board of Supervisors. If the Board of Supervisors takes no action to disapprove any part of a proposed reorganization, within 30 days of being notified, then the Mayor's proposed reorganization automatically takes effect.

The Mayor's plan includes the following City department reorganizations within the Executive Branch:

(1) The establishment of the new Department of Telecommunications and Information Services. This Department will report to the Mayor and assumes the functions formerly provided through the Department of Electricity and Telecommunications, the Information Services Division of the Controller's Office, the Chief Administrative Officer's (CAO's) 911 Project, the Library's Citywatch program (Channel 54) and the Electronic Information Processing Services Committee (EIPSC). This new department has a budget of \$50,067,744 including recoveries of expenditures from other City departments and 276.57 authorized full-time-equivalent positions.

(2) Pursuant to the Charter, the Real Estate Department and the Purchaser's Office are consolidated into the Department of Administrative Services. The additional City departments and functions which will be added to the Department of Administrative Services include the County Agriculture/Weights and Measures Department, the Medical Examiner/Coroner, the Animal Care and Control Department, the Public Administrator/Guardian, the Public Finance Program and the Solid Waste Program, which were previously in the Office of the Chief Administrative Officer. Additionally, the County Clerk/Recorder will report to the Director of the Administrative Services Department, at least until July 1, 1997 when the Recorder is reassigned to the Assessor in accordance with Charter Section 6.101. The Department of Elections will also report the Administrative Services Director, but will remain a separate department. The new Department of Administrative Services has an operating budget of \$4,895,556 and 22.02 authorized full-time-equivalent positions.

(3) The establishment of the Business and Economic Development Department. This Department has assumed responsibility for the following functions: (a) various loan and grant programs, (b) various Redevelopment Agency projects related to military base closures, (c) the CAO's Seismic Safety Loan Program, and (d) the Mayor's Office of Housing and the Mayor's Office of Economic Development. This new department has an operating budget of \$2,223,978 and 8.0 authorized full-time-equivalent positions.

Memo to Rules Committee
July 16, 1996 Rules Committee Meeting

(4) The transfer of the Clean Water Program, currently under the Department of Public Works, to the Public Utilities Commission (PUC). While it has not yet been decided which specific functions and positions will be transferred, the total Clean Water Program includes expenditure appropriations as follows:

Operating Expenditures:

Bureau of Water Pollution Control	\$58,831,853
Southeast Community Facility	521,669
Sewer Repair Program in the Bureau of	
Street and Sewer Repair	9,168,028
Environmental Regulation & Management	6,738,049
Bureau of Engineering	<u>2,553,187</u>
Subtotal	\$77,812,786

Capital Expenditures:

Repair and Replacement	10,300,300
Southeast Community Facility	100,000
<u>Debt Service</u>	<u>62,768,380</u>
Total Clean Water Program Expenditures	\$150,981,466

The above-noted City department reorganizations, with the exception of the transfer of the Clean Water Program to the PUC, were addressed by the Mayor's Office in the Fiscal Year 1996-97 budget. The Mayor has now determined that the Clean Water Program should be transferred to the PUC primarily on the basis that (1) the public's concerns about sewer rates are best addressed by a commission which holds public hearings rather than by an administrator that is not required to solicit public input and (2) the development of the technology and uses for reclaimed water is best addressed by the combined resources of the Water Department and the Clean Water Program, which would both be under the PUC.

Comments:

1. Mr. Anson Moran, General Manager of the PUC, reports that the PUC is working with DPW to determine which specific functions and related positions within the Clean Water Program should be transferred to PUC.
2. Based on the preliminary plans of the PUC and DPW, DPW will continue to provide administrative support functions for the Clean Water Program.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
July 16, 1996 Rules Committee Meeting

Recommendation: Approval of the proposed motions is policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
July 16, 1996 Rules Committee Meeting

Item 11 - File 193-96-4

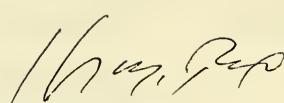
Department: Recreation and Park Department (RPD)

Item: This item is a hearing to consider the progress of the Recreation and Park Department concerning the issue of traffic management in Glen Canyon Park.

Description: The Board of Supervisors previously approved legislation urging the Mayor to urge the Recreation and Park Commission to develop alternatives to its plans to pave a road through Glen Canyon Park (File 193-95-7). Mr. Phil Arnold of the RPD advised at that time that the RPD had no plans to proceed with paving a road through Glen Canyon Park. Mr. Arnold also noted that the RPD was aware of environmental concerns expressed by the community regarding the possibility that a paved road would result in an increase in vehicle traffic in Glen Canyon Park.

According to Mr. Arnold, the RPD is still not considering any plans to pave a road through Glen Canyon Park. Mr. Arnold reports, however, that the RPD is continuing to evaluate alternatives for public access to the childcare/camp facilities in Glen Canyon Park, which are currently accessed by a dirt road. Mr. Arnold advises that the RPD has held several public meetings to discuss such alternatives, at which the RPD has attempted to facilitate a compromise, between those community representatives that have environmental concerns regarding traffic in the park and those persons who need to access the childcare/camp facilities. Mr. Arnold advises that, as of the writing of this report, the parties involved have not been able to reach an agreement on this issue.

Mr. Arnold also reports, that the RPD has distributed flyers to the parents who have children in attendance at the RPD's summer camp located in Glen Canyon Park, requesting that they consider alternatives other than driving their vehicles to the childcare/camp facilities. Such alternatives include, car pooling or walking the distance from the entrance of the dirt road to the facilities, which is approximately one-half mile.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Brown
Supervisor Hsieh
Supervisor Katz
Supervisor Kaufman
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
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8/8/96

Special

CALENDAR

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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AUG 02 1996

SAN FRANCISCO
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* SPECIAL MEETING *

THURSDAY, AUGUST 8, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

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1. File 33-96-9. [Appt., Planning Commission] Hearing to consider Mayor's appointment of Cynthia Joe to serve as a member of the Planning Commission. (Mayor)
(Last day for Board consideration is 8/19/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Cynthia Joe to serve as a member of the San Francisco Planning Commission.
- b. Motion rejecting Mayor's appointment of Cynthia Joe to serve as a member of the San Francisco Planning Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board.)

ACTION:

2. File 33-96-10. [Appt., Recreation & Parks Commission] Hearing to consider Mayor's appointment of Eugene Friend to serve as member of the Recreation and Parks Commission. (Mayor)
(Last day for Board consideration is 8/19/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Eugene Friend to serve as a member of the San Francisco Recreation and Parks Commission.
- b. Motion rejecting Mayor's appointment of Eugene Friend to serve as a member of the San Francisco Recreation and Parks Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board.)

ACTION:

3. File 33-96-11. [Appt., Recreation & Parks Commission] Hearing to consider Mayor's appointment of Rev. Yvette Flunder to serve as member of the Recreation and Parks Commission. (Mayor)
(Last day for Board consideration is 8/19/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Rev. Yvette Flunder to serve as a member of the San Francisco Recreation and Parks Commission.
- b. Motion rejecting Mayor's appointment of Rev. Yvette Flunder to serve as a member of the San Francisco Recreation and Parks Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board.)

ACTION:

4. File 33-96-12. [Appt., Juvenile Probation Commission] Hearing to consider Mayor's appointment of Eleazar Aramburo to serve as a member of the Juvenile Probation Commission. (Mayor)
(Last day for Board consideration is 8/26/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Eleazar Aramburo to serve as a member of the San Francisco Juvenile Probation Commission.
- b. Motion rejecting Mayor's appointment of Eleazar Aramburo to serve as a member of the San Francisco Juvenile Probation Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board.)

ACTION:

5. File 33-96-13. [Appt., Juvenile Probation Commission] Hearing to consider Mayor's appointment of Damone Keith Hale to serve as a member of the Juvenile Probation Commission. (Mayor)
(Last day for Board consideration is 8/26/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Damone Keith Hale to serve as a member of the San Francisco Juvenile Probation Commission.
- b. Motion rejecting Mayor's appointment of Damone Keith Hale to serve as a member of the San Francisco Juvenile Probation Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board.)

ACTION:

6. File 33-96-14. [Appt., Juvenile Probation Commission] Hearing to consider Mayor's appointment of Brenda Jackson Drake to serve as a member of the Juvenile Probation Commission. (Mayor)
(Last day for Board consideration is 8/26/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Brenda Jackson Drake to serve as a member of the San Francisco Juvenile Probation Commission.
- b. Motion rejecting Mayor's appointment of Brenda Jackson Drake to serve as a member of the San Francisco Juvenile Probation Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board.)

ACTION:

7. File 33-96-15. [Appt., Parking & Traffic Commission] Hearing to consider Mayor's appointment of Gavin Newsom to serve as a member of the Parking & Traffic Commission. (Mayor)
(Last day for Board consideration is 8/26/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Gavin Newsom to serve as a member of the San Francisco Parking & Traffic Commission.
- b. Motion rejecting Mayor's appointment of Gavin Newsom to serve as a member of the San Francisco Parking & Traffic Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board.)

ACTION:

8. File 118-96-5. [Lead Hazard Reduction] Ordinance amending Health Code Section 1608, concerning S.F. Lead Hazard Reduction Citizens Advisory Committee by reducing its membership from 23 to 21 members by deleting representatives from the Department of Public Health and the insurance industry. (Supervisor Shelley)

ACTION:

9. File 92-96-39. [Appts., Lead Hazard Citizens Adv. Cmte.] Hearing to consider appointments of Lead Hazard Reduction Citizens Advisory Commission, James Hutchinson (Seat 26702 - BBI, DPW or designee); Doris Landry (Seat 26705 - childcare); Neil Gendel (Seat 26708 - public int. organization); Norman Fong (Seat 26713 - tenant org.); Stephen Davis (Seat 26714 - lead testing expert); Mitch Fine (Seat 26716 - financial expert); terms expired December 22, 1995, for four-year terms ending December 22, 1999. (Clerk of the Board)
(Consideration continued from 7/16/96.)

Applicants: James Hutchinson (Seat 26702 - BBI, DPW or des.)
Doris Landry (Seat 26705 - represents childcare)
Neil Gendel (Seat 26708 - public interest org.)
Norman Fong (Seat 26713 - tenant organization)
Mitch Fine (Seat 26716 - financial expert)

ACTION:

10. File 92-96-30. [Appointment, Park & Open Space Advisory Cmte.] Hearing to consider appointments to the Park & Open Space Advisory Cmte., Lonnie Lawson (Supervisor Brown, Seat 23304); Claire Isaacs (Supervisor Teng, Seat 23306); Sharon Hewitt (Supervisor Katz, Seat 23307); Katharine Webster (Supervisor Leal, Seat 23309); and Ailene Herold-Coffino (Supervisor Alioto, organization rep., Seat 23311), for two-year terms beginning July 1, 1996 and ending July 1, 1998. (Clerk of the Board)
(Consideration continued from 6/18/96)

Applicants: Gilman Louie (Supervisor Teng, Seat 23306)
Gaeta Bell (Supervisor Leal, Seat 23309)
Ailene Herold-Coffino (Supervisor Alioto, Seat 23311)

ACTION:

11. File 54-96-6. [Off-site Committee Meeting] Motion ordering the September 1996 meeting of the Economic Vitality and Social Policy Committee to be held on September 10, 1996 at 5:30 p.m., at the Everett Middle School, 450 Church Street. (Supervisors Teng, Katz, Brown)

ACTION:

12. File 32-96-1.3. [TCI/Viacom] Hearing to consider the transfer of Viacom's cable operations to TCI and proposed franchise amendments and transfer agreement. (Supervisors Shelley, Alioto, Ammiano)

ACTION:

13. File 206-96-4. [Housing Authority] Hearing to consider issues related to the San Francisco Housing Authority. (Supervisors Shelley, Alioto)

ACTION:

14. File 97-96-27. [Assessment, Appeals Boards] Ordinance amending Administrative Code by adding Section 2B.20 imposing notice, agenda, public comment, and meeting obligations on the Assessment Appeals Boards. (Sunshine Ordinance Task Force)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE!!!

Bill Lynch
Documents Section
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(41)

Attn:

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

August 7, 1996

TO: Rules Committee

FROM: Budget Analyst Recommendations for next meeting

SUBJECT: August 8, 1996 Rules Committee Meeting

DOCUMENTS DEPT.

AUG - 7 1996

SAN FRANCISCO
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1. This item is a hearing pertaining to (a) the transfer of Viacom's cable operations to Telecommunications, Inc. (TCI) and (b) the proposed franchise amendments and transfer resolution.

2. According to Deputy City Attorney Julia Friedlander, the proposed franchise amendments are currently in preparation by the City Attorney and will be submitted to the Board of Supervisors as soon as possible. As of the writing of this report, discussions on proposed franchise amendments are still continuing, according to Ms. Friedlander.

3. Cable rates are regulated by the Federal Communications Commission. The Standard Level of Service was increased by \$0.32 from \$25.29 to \$25.61 monthly on March 1, 1996 as follows:

Viacom Monthly Rate Charges for Standard Level of Service

<u>Description</u>	<u>Before March 1, 1996</u>	<u>After March 1, 1996</u>	<u>Difference</u>
Basic Cable Rates	\$12.95	\$12.95	\$0.00
Satellite Value Package	<u>\$12.34</u>	<u>\$12.66</u>	<u>\$0.32</u>
Total Standard Level of Service	\$25.29	\$25.61	\$0.32

Memo to Rules Committee
August 8, 1996 Rules Committee Meeting

4. Section 8(a) of the current Franchise Agreement between Viacom and the City requires the payment of a Franchise Fee to the City at the rate of five percent of all Gross Receipts. For FY 1996-97, the Franchise Fee payment to the City is estimated to be \$3,644,000, including \$3,494,000 allocated to the General Fund and \$150,000 allocated to the Cable TV Access Development and Program Fund. Of the \$150,000, a total of \$100,000 is included in the budget of the Board of Supervisors and \$50,000 is included in the budget of the newly created Telecommunications and Information Services Department. The \$100,000 set aside for the Board of Supervisors is divided equally between educational access (Channel 52 - San Francisco Community College District) and public access (Channel 53 - San Francisco Community TV Corporation) while the \$50,000 set aside for the newly created Telecommunications and Information Services Department is for municipal access (Channel 54 - City and County of San Francisco governmental programs and services).

Comments

1. On February 20, 1996, the Board of Supervisors approved Ordinance 74-96 (File 101-95-47) which appropriated \$45,500 from the General Fund Reserve. This appropriation of \$45,500 was for professional services to provide funding for negotiations with Viacom/TCI, of which \$35,000 would be used for outside consulting services and outside legal services and \$10,500 would be placed on reserve.

2. The distribution of the \$35,000 in professional services was as follows:

Consulting Services

Communications Policy Group		
\$130/hour, plus travel, to a maximum of \$20,000		\$20,000
William Pohts		
\$100/hour, plus travel, to a maximum of \$5,000	<u>5,000</u>	
Subtotal		\$25,000
<u>Legal Services</u>		
Arnold & Porter \$125/hour, to a maximum of \$10,000		<u>10,000</u>
Total		\$35,000

3. The balance of \$10,500 (\$45,500 less \$35,000) has remained on reserve pending a request for additional needed funds for work related to the Viacom/TCI negotiations.

4. In 1995, the Board of Supervisors approved Ordinance 55-95, (File 97-94-77) requiring all applicants for a franchise in the City, including applicants for the transfer or renewal of a franchise, to pay a fee to defray the City's costs for evaluating the franchise application, transfer or renewal. In February 1996, Ms. Friedlander reported that the City is working to recover its costs for the negotiations currently underway with Viacom/TCI.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
August 8, 1996 Rules Committee Meeting

5. In addition to the \$45,550 previously appropriated, according to Ms. Friedlander, the City Attorney's Office and several other City departments assisting the City Attorney have expended and will be expending City funds pertaining to the Viacom/TCI negotiations.

6. The Budget Analyst has requested that the City Attorney's Office provide total cost information incurred by the City Attorney's Office, related to the franchise transfer negotiations, in order to comply with the ordinance previously approved by the Board of Supervisors requiring such cost information. As of the writing of this report, that cost information has not been provided to the Budget Analyst.

7. Additionally, according to Mr. Steve Nelson, the Department of Administrative Services has expended to date an estimated \$21,000 related to the franchise transfer negotiations.

8. Further, Mr. John Madden of the Controller's Office advises that the Controller would request other involved City departments to provide financial data on their costs incurred related to the franchise transfer negotiations.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Brown
Supervisor Hsieh
Supervisor Katz
Supervisor Kaufman
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Margaret Kisliuk
Paul Horcher
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

SF

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8/19/96

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RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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Special

* SPECIAL MEETING

MONDAY, AUGUST 19, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #42 Downtown Loop and the #71 Haight/Noriega and the F Line to Market and Van Ness and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



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For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

APPOINTMENT

1. File 33-96-16. [Appointment, Health Commission] Hearing to consider Mayor's appointment of Harrison Parker, Sr., D.D.S., to serve as a member of the San Francisco Health Commission.
(Mayor)
(Last day for Board consideration is 9/9/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Harrison Parker, Sr., D.D.S., to serve as a member of the San Francisco Health Commission.
- b. Motion rejecting Mayor's appointment of Harrison Parker, Sr., D.D.S., to serve as a member of the San Francisco Health Commission.

(Motion of rejection would require a 2/3 majority vote for passage by the Full Board.)

ACTION:

BALLOT ARGUMENTS

NOTE: THE CHAIR MAY ENTERTAIN A MOTION TO SEND THE FOLLOWING ITEMS (BALLOT ARGUMENTS - ITEMS 2 - 11 ONLY) TO THE FULL BOARD AS COMMITTEE REPORTS FOR CONSIDERATION ON 8/19/96.

2. File 60-96-6.1. [Ballot Argument - Affordable Housing Bond] Hearing to consider ballot argument in favor of a bond measure concerning affordable housing. (Supervisors Bierman, Teng)

ACTION:

3. File 60-96-6.2. [Ballot Argument - deYoung Museum] Hearing to consider ballot argument in favor of a bond measure concerning the deYoung Museum. (Supervisor Shelley)

ACTION:

4. File 60-96-9. [Ballot Arguments] Hearing to consider submitting ballot arguments concerning propositions filed with the Director of Elections after August 5, 1996 for the November 5, 1996 election. (Clerk of the Board)

ACTION:

5. File 246-96-2. [Ballot Argument - Retirees COLA] Hearing to consider ballot argument in favor of charter amendment (Fourth Draft) concerning supplemental cost of living benefit for retirees and their survivors (retiree COLA proposal).
(Supervisors Bierman, Teng)

ACTION:

6. File 249-96-2. [Ballot Argument - Compensation, Supervisors] Hearing to consider ballot argument in favor of charter amendment concerning setting salary for members of the Board of Supervisors at \$50,000 per year and making the members of the Board of Supervisors members of the Retirement System. (Supervisor Ammiano)

ACTION:

7. File 250-96-2. [Ballot Argument - At-large, Preference Election] Hearing to consider ballot argument in favor of charter amendment concerning at-large election of 11 supervisors using preference voting. (Supervisor Ammiano)

ACTION:

8. File 251-96-2. [Ballot Argument - District Election] Hearing to consider ballot argument in favor of charter amendment concerning election of 11 supervisors from 11 districts. (Supervisor Ammiano)

ACTION:

9. File 252-96-2. [Ballot Argument - Omnibus Charter Amendment] Hearing to consider ballot argument in favor of charter amendment concerning police and fire disciplinary procedures; collective bargaining of retirement and health benefits; abolishing and creating the Civil Service and Employee Relations Commission; and making managerial employees at-will, exempt positions with exceptions. (Supervisors Shelley, Bierman)

ACTION:

10. File 253-96-2. [Ballot Argument - Firefighters Retirement Benefits] Hearing to consider ballot argument in favor of charter amendment relating to retirement benefits for firefighters. (Supervisor Shelley)

ACTION:

11. File 257-96-2. [Ballot Argument - Consent Decrees] Hearing to consider ballot argument in favor of charter amendment relating to hiring/promotion of uniformed members of San Francisco Police and Fire Departments (consent decrees). (Supervisor Shelley)

ACTION:

REGULAR MATTERS

12. File 206-96-4. [Housing Authority] Hearing to consider issues related to the San Francisco Housing Authority. (Supervisors Shelley, Alioto) (Consideration continued from 8/8/96)

ACTION:

13. File 54-96-6. [Proposition O Meeting] Motion ordering the September 1996 Meeting of the Economic Vitality and Social Policy Committee of the San Francisco Board of Supervisors to be held on September 18, 1996, 5:30 p.m., at the Everett Middle School, 450 Church Street. (Supervisors Teng, Katz, Brown)
(Consideration continued from 8/8/96)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

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8/19/96

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

August 16, 1996

TO: Rules Committee

FROM: Budget Analyst Recommendations for meeting of DOCUMENTS DEPT.

SUBJECT: August 19, 1996 Rules Committee Meeting

AUG 20 1996

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Item 12 - File 206-96-4

Note: This item was continued by the Rules Committee at its meeting of August 8, 1996.

Item: Hearing to consider issues related to the San Francisco Housing Authority (SFHA).

Description: According to Patrick Lynch, Acting Executive Assistant of the SFHA, the Federal Department of Housing and Urban Development (HUD) has initiated a plan to privatize Section 8 activities, as well as low rent and client eligibility functions in the City and County of San Francisco. The HUD Secretary has ordered this action and assigned one of the Assistant HUD Secretaries to handle all matters pursuant to such privatization. Additionally, the HUD Secretary has requested that the HUD National Coordinator for all Section 8 privatization activities appear in San Francisco to answer any questions which the Board of Supervisors may have regarding the impending privatization of the Section 8 function for the City and County of San Francisco.

The San Francisco Housing Authority (SFHA) currently operates the Section 8 Program, under the direction and control of HUD. The Section 8 Program, which is a pass

Memo to Rules Committee
August 19, 1996 Rules Committee Meeting

through, funded with Federal monies, is a housing grant program that provides certificates and vouchers for low income individuals. These certificates and vouchers are used in exchange for rent, with participating landlords and multi-family housing complexes.

Section 8 administers regular programs for all low income individuals that meet specific HUD guidelines as well as special programs for individuals that meet specific socio/economic disability, and mental and physical impairment requirements.

Comment:

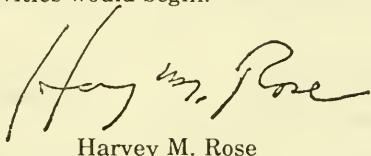
As of the writing of this report, Mr. Lynch was unable to provide the following information to the Budget Analyst, in connection with HUD's plan to privatize Section 8 activities:

1. The total amount of Federal HUD funding awarded for the Section 8 Program in San Francisco for FYs 1994-95 and 1995-96.
2. The total amount of Section 8 funds allocated to the City for FY 1996-97, and the amount of the administrative (non-program) costs included in the total Section 8 allocation.
3. The number and types of Section 8 certificates and vouchers available to the City for FYs 1994-95, 1995-96 and 1996-97.
4. The total number of SFHA staff funded under the Section 8 Program.
5. A list of the specific Section 8 activities which are to be contracted out.
6. The administrative functions, if any, related to the Section 8 Program, which are to be maintained by SFHA staff.
7. The number of anticipated SFHA staff reductions as a result of HUD's plan to privatize Section 8 activities, including the number of SFHA staff, if any, to be laid off.
8. The types of firms which would be eligible to provide Section 8 program services and a list of the firms already contacted by HUD regarding the possibility of providing Section 8 program services for San Francisco.
9. The details of the HUD plan to implement the privatization of Section 8 activities.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
August 19, 1996 Rules Committee Meeting

10. The anticipated effective date when HUD's plan to privatize Section 8 activities would begin.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Brown
Supervisor Hsieh
Supervisor Katz
Supervisor Kaufman
Supervisor Teng
Supervisor Yaki
Clerk of the Board
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BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308
San Francisco 94102-4532
554-5184

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AUG 30 1996

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NOTICE OF RESCHEDULED MEETING
RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN That the regularly scheduled meeting of the Rules Committee which was to be held on Tuesday, September 3, 1996, at 10:00 a.m., has been rescheduled to Tuesday, September 3, 1996, at 1:00 p.m., in the Veterans Building, 401 Van Ness Avenue, Legislative Chamber, Room 404, San Francisco, California.

A handwritten signature in black ink, appearing to read "John L. Taylor".

John L. Taylor
Clerk of the Board

CALENDAR

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RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

RESCHEDULED MEETING

TUESDAY, SEPTEMBER 3, 1996 - 1:00 P.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 404
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

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AUG 30 1996

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1. File 33-96-18. [Appointment] Resolution confirming Mayor's appointment of James Morales to serve as a member of the San Francisco Redevelopment Agency. (Mayor)

(Chair may entertain a motion to send this item to the Full Board Meeting of September 3, 1996, as a Committee Report)

ACTION:

2. File 92-96-41. [Appointment, S.F. Airport Improvement Corporation] Resolution approving the appointment of Mr. George C. Flehardt to the Board of Directors of the San Francisco Airport Improvement Corporation. (Airports Commission)

ACTION:

3. File 243-96-1. [Joe Mazzola Place] Resolution honoring Joe Mazzola and commemorating the Plumbers and Pipefitters' (Local 38) Union Hall at 1621 Market Street as an historic site and dedicating the location as "Joe Mazzola Place". (Supervisors Shelley, Alioto, Leal)

(Chair may entertain a motion to send this item to the Full Board Meeting of September 3, 1996, as a Committee Report)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

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CALENDAR

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RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

90.84

TUESDAY, SEPTEMBER 17, 1996 - 10:00 A.M.

17/96

VETERANS BUILDING
401 VAN NESS AVE., ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

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SEP 13 1996

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APPOINTMENTS

1. File 92-96-16. [Appointment, BAC] Hearing to consider appointing member to the Bicycle Advisory Committee, vice Melanie Gaier (Seat 24305 - must represent a bicycle organization), resigned, for unexpired portion of the three-year term ending December 31, 1996. (Clerk of the Board)

Applicant: David Kinsley - (Seat 24305 - bicycle organization)

ACTION:

2. File 92-96-50. [Appointment, BAC] Hearing to consider appointment to the Bicycle Advisory Committee, vice Juan-Thomas Rehbock (Seat 24302, environmental org.); vice Richard Damm (Seat 24309, bicyclist-at-large), vice Terry Rolleri (Seat 24311, bicyclist-at-large) and vice Andrew Vesselinovitch (Seat 24310, bicyclist-at-large), terms expired December 31, 1995 for new three-year terms ending December 31, 1998. (Clerk of the Board)

Applicants: Richard Lesnik - (Seat 24309, bicyclist-at-large)
Dylan Rettler - (Seat 24310, bicyclist-at-large)
Chuck Sumner - (Seat 24311, bicyclist-at-large)

ACTION:

3. File 92-96-49. [Appointment, Hazardous Materials Adv. Cmte.] Hearing to consider appointment to the Hazardous Materials Advisory Committee, vice William Harris (Seat 22616, open seat), resigned, for unexpired portion of four-year term ending July 1, 1999. (Clerk of the Board)

Applicant: Catania Galvan - (Seat 22616, open seat)

ACTION:

4. File 92-96-32. [Appointments, Hazardous Materials Advisory Cmte.] Hearing to consider appointing members to the Hazardous Materials Advisory Committee, Seat Vacant (Seat 22605 - epidemiologist); vice Neil Gendel (Seat 22614 - represents environmental org.); Steven Medbery (Seat 22618 - DPW) for new four-year terms beginning July 1, 1996 and ending July 1, 2000. (Clerk of the Board)

Applicant: Susan Glendening (Seat 22614, environmental org.)

ACTION:

REGULAR MATTERS

5. File 54-96-7. [Board Meeting Schedule] Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the meetings of December 2 and December 30, 1996. (Clerk of the Board)

ACTION:

6. File 54-96-8. [Off-site Meeting] Motion ordering the October 1996 meeting of the Select Committee on Charter Implementation of the Board of Supervisors to be held on October 22, 1996, from 6:00 p.m. to 8:00 p.m. in the community room at the Richmond Police Station, located at 461 Sixth Avenue. (Supervisor Kaufman)

ACTION:

7. File 223-94-4. [Quarterly Report on Status of 9-1-1 System] Hearing to consider the quarterly reports from all affected agencies regarding the status of the 9-1-1 Emergency Response System. (Supervisor Shelley)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

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Bill Lynch
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Attn:

CITY AND COUNTY

OF SAN FRANCISCO



BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

September 13, 1996

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst *Recommendations for meeting at*

SEP 17 1996

SUBJECT: September 17, 1996 Rules Committee Meeting

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Item 7 - File 223-94-4

Note: This item was continued at the February 7, 1996, Joint Rules/Budget Committee Meeting.

1. This item is a hearing to consider the quarterly reports from all affected agencies regarding the status of the 911 Emergency Response System.

2. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. PSAP operators (call evaluators), receiving 911 bona-fide emergency calls, transfer such calls to Police Dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems and the service delivery units of the Police Department, the Fire Department, and the Health Department. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching Police units in response to 911 calls
- Receiving Police non-emergency calls via 553-0123
- Evaluating 553-0123 calls

Memo to Rules Committee
September 17, 1996 Rules Committee Meeting

- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching Police units in response to 553-0123 calls
- Recording 911 emergency calls and Police radio communications

3. The Board of Supervisors approved six resolutions concerning the 911 Emergency Response System in February of 1993, as shown below. The Police Department has previously reported on the status of the Department's responses to the six resolutions. The six resolutions previously approved by the Board of Supervisors are as follows:

- (a) File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center.
- (b) File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- (c) File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.
- (d) File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- (e) File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- (f) File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

The issue of staffing is addressed in the Department's Weekly Staffing Report of September 6, 1996, (see Attachment I). Issues concerning the Secondary PSAP, Health & Safety, Long Term Projects, the Civilian Director position and the Interim Computer Assisted Dispatch (CAD) System are addressed in the Department's 9-1-1 Quarterly Report of August 1996 (Attachment II).

4. The staffing profile for the 137 permanent, authorized Communications Dispatcher (Classification No. 8238) positions in the Police Department's FY 1996-97 budget, as of September 6, 1996, as compared with the profile of the 137 positions on January 26, 1996, the time of the last quarterly report, is shown below. This data was provided by Captain Thomas Donohoe, Commander of the Communications Division of the Police Department. The number of fully trained Communications Dispatchers has increased by ten, or from 100 to 110, between the January 26, 1996, report and the September 6, 1996, report. The "Total Employees in Authorized Positions Who are Not on the Job and Vacancies" has decreased by one position, from 19 to 18, over the same time period.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
 September 17, 1996 Rules Committee Meeting

<u>Status</u>	<u>Staffing Pattern</u>	
	January 26, 1996	Sept. 2, 1996
	<u>Number of Positions</u>	<u>Number of Positions</u>
Communications Dispatchers Actually on the Job		
Fully trained	100	110
Phone trained (perform call evaluations but do not as yet dispatch Police units)	3	0
On-the-Job Training — phone evaluators	8	0
On-the-Job Training — radios	4	5
Field Operations Bureau	<u>1</u>	<u>1</u>
Subtotal - Performing Communications Dispatcher tasks or in training)	116	116
Custodian of Records	1	2
Facility Coordinator	<u>1</u>	<u>1</u>
Subtotal - Performing Communications Dispatcher Support Functions	<u>2</u>	<u>3</u>
Total Employees Actually on the Job	118	119
Employees in Authorized Positions Who are Not on the Job and Vacant Positions		
Sick Leave	10	5
Military Leave	0	1
Vocational Rehabilitation	0	3
Workers Compensation	<u>7</u>	<u>4</u>
Subtotal - Employees in Authorized Positions Who are not On the Job	17	13
Unfilled requisitions (Vacant Positions)	<u>2</u>	<u>5</u>
Total Employees in Authorized Positions Who are Not on the Job and Vacancies	<u>19</u>	<u>18</u>
Total Authorized Positions	137	137

5. Captain Donohoe previously advised the Budget Analyst that a total of 140 budgeted Communications Dispatcher positions are required for the Communications Center to adequately perform its operational mission, which is three more than the 137 positions currently authorized in the FY 1996-97 budget. As noted above, presently, only 119 of the authorized 137 Communications Dispatcher positions are available for work at this time, leaving 18 positions (approximately 13.1 percent) not available for Communications Dispatcher duties. Captain Donohoe previously advised the Budget Analyst that the Police Department would be requesting these three additional Communications Dispatcher positions in its FY 1996-97 budget. According to Mr. Frank Faraguna

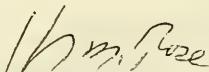
Memo to Rules Committee
September 17, 1996 Rules Committee Meeting

of the Police Department's Communications Center, instead of requesting the three additional Communications Dispatcher positions in the FY 1996-97 budget, one additional Classification No. 8239, Communications Dispatcher Supervisor, position was requested. However, the request for that position was denied within the Police Department.

6. The head management position in the FY 1996-97 Police Department budget for the Communications Center is a classified as a 8245 Communications Manager, with an annual salary of \$82,711 at the maximum step. However, the head management position is currently filled by a Police Captain, Classification No. Q80. Ms. Julie Gonzalez of the Police Department Examination Division reports that an examination to create a list for the position was administered on August 30, 1996, and that recommendations have been made by the selection panel to the Chief of Police, who is expected to select one of the top five candidates from the list to fill the position, in the very near future.

7. With respect to the Interim Computer Aided Dispatch (CAD) System, Mr. Glenn Marin, an outside consultant under contract with the Police Department as Project Manager for the Interim CAD System, reports that a contract has been signed with the vendor, Tiburon Incorporated, to install the System. The Interim CAD System is designed to support Police Dispatch Operations until the City's permanent integrated CAD System for all Public Safety Agencies is developed. Mr. Marin reports that the Interim CAD System is scheduled to be fully operational by January 13, 1997.

8. Captain Donohoe reports that he and Deputy Chief Welch will be available at the Rules Committee meeting of September 17, 1996, to respond to questions.


Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Brown
Supervisor Hsieh
Supervisor Katz
Supervisor Kaufman
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Mike Martin
Paul Horcher
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

09/11/96

15:06

SFPD COMMUNICATIONS → 93991064

NO.192

D02

To: Fred H. Lau
Chief of Police

From: Captain Thomas Donohoe
Communications Division

Date: September 6, 1996

Subject: Weekly Staffing Report-Communications

There have been no changes to dispatch staffing since the last report of August 30, 1996.

Fully Trained Dispatchers	110
OJT-radio training	5
Custodian of Records	2
Facility Coordinator	1
Detailed FOB	1
Vocational Rehabilitation	3
Sick Leave	5
Military Leave	1
Workers Compensation	<u>4</u>
Total	132
Budgeted positions	137

One dispatcher funded by CAO - not included in above total.

9-1-1
QUARTERLY REPORT
August 1996

STAFFING/TRAINING:

There are currently eight (8) dispatchers in training in the division. The most recent weekly staffing report is attached.

SECONDARY PSAP:

Meetings are continuing to relocate the alternate PSAP to the Communications Section of the Paramedic Division of the Department of Public Health. The project is being chaired by Pippa Amick of that division who will be available to provide an update on the project.

HEALTH & SAFETY ISSUES:

There have been no new repetitive stress injuries in this division since the last report.

LONG TERM PROJECTS:

800MHZ Radio: A representative from DET will address this issue.

CAD/RMS Project and Combined Dispatch Center: The project manager or a representative will be available to address these issues.

CIVILIAN DIRECTOR POSITION:

An examination is being administered on August 30, 1996 by the Department of Human Resources. The position will be filled as soon as possible after the eligibility list is certified.

INTERIM CAD:

A contract has been signed with the vendor (Tiburon). It is estimated that the system will be completely operational in January 1997.

Keyboards that will be used with the new system have been made available to personnel to familiarize them with the different style that the new PC based system requires.

Members of the Policy Steering Committee will be present at the meeting to provide further information.

CALENDAR

DOCUMENTS DEPT

SF
S90.84
#1

10/1/96

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO REGULAR MEETING

SEP 30 1996

SAN FRANCISCO
PUBLIC LIBRARY
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TUESDAY, OCTOBER 1, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

Disability Access

Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #42 Downtown Loop and the #71 Haight/Noriega and the F Line to Market and Van Ness and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.

Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 308 staff.

The following services are available on request 48 hours prior to the meeting or hearing: For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

APPOINTMENTS

NOTE: Last day for Board consideration for Items 1 - 9 is 10/21/96.

1. File 33-96-20. [Appt., S.F. Commission on the Environment] Hearing to consider Mayor's appointment of Paul Okamoto to serve as a member of the S.F. Commission on the Environment. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Paul Okamoto to serve as a member of the S.F. Commission on the Environment.
- b. Motion rejecting Mayor's appointment of Paul Okamoto to serve as a member of the S.F. Commission on the Environment.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

2. File 33-96-21. [Appt., S.F. Commission on the Environment] Hearing to consider Mayor's appointment of Rebecca Evans to serve as a member of the S.F. Commission on the Environment. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Rebecca Evans to serve as a member of the S.F. Commission on the Environment.
- b. Motion rejecting Mayor's appointment of Rebecca Evans to serve as a member of the S.F. Commission on the Environment.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

3. File 33-96-22. [Appt., S.F. Commission on the Environment] Hearing to consider Mayor's appointment of Linda Richardson to serve as a member of the S.F. Commission on the Environment. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Linda Richardson to serve as a member of the S.F. Commission on the Environment.
- b. Motion rejecting Mayor's appointment of Linda Richardson to serve as a member of the S.F. Commission on the Environment.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

4. File 33-96-23. [Appt., S.F. Commission on the Environment] Hearing to consider Mayor's appointment of Anne Lee Eng to serve as a member of the S.F. Commission on the Environment. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Ann Lee Eng to serve as a member of the S.F. Commission on the Environment.
- b. Motion rejecting Mayor's appointment of Ann Lee Eng to serve as a member of the S.F. Commission on the Environment.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

5. File 33-96-24. [Appt., S.F. Commission on the Environment] Hearing to consider Mayor's appointment of Steven Krefting to serve as a member of the S.F. Commission for the Environment. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Steven Krefting to serve as a member of the S.F. Commission on the Environment.
- b. Motion rejecting Mayor's appointment of Steven Krefting to serve as a member of the S.F. Commission on the Environment.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

6. File 33-96-25. [Appt., S.F. Commission on the Environment] Hearing to consider Mayor's appointment of Beryl Magilavy to serve as a member of the S.F. Commission on the Environment. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Beryl Magilavy to serve as a member of the S.F. Commission on the Environment.
- b. Motion rejecting Mayor's appointment of Beryl Magilavy to serve as a member of the S.F. Commission on the Environment.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

7. File 33-96-26. [Appt., S.F. Arts Commission] Hearing to consider Mayor's appointment of Diana Wilsey to serve as a member of the S.F. Arts Commission. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Diana Wilsey to serve as a member of the S.F. Arts Commission.
- b. Motion rejecting Mayor's appointment of Diana Wilsey to serve as a member of the S.F. Arts Commission.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

8. File 33-96-27. [Appt., S.F. Airports Commission] Hearing to consider Mayor's appointment of Linda Crayton to serve as a member of the S.F. Airports Commission. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Linda Crayton to serve as a member of the S.F. Airports Commission.
- b. Motion rejecting Mayor's appointment of Linda Crayton to serve as a member of the S.F. Airports Commission.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

9. File 33-96-28. [Appt., S.F. Juvenile Probation Commission] Hearing to consider Mayor's appointment of Rev. Dr. Harry Chuck to serve as a member of the S.F. Juvenile Probation Commission. (Mayor)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Rev. Dr. Harry Chuck to serve as a member of the S.F. Juvenile Probation Commission.
- b. Motion rejecting Mayor's appointment of Rev. Dr. Harry Chuck to serve as a member of the S.F. Juvenile Probation Commission.

(Motion of rejection requires 2/3 majority vote for passage by the Full Board.)

ACTION:

10. File 92-95-41. [Appt., Advisory Council to Commission on the Aging] Hearing to consider appointment of member to the Advisory Council to the Commission on the Aging, vice Roberta Carter (Seat 20310 - nominee of Supervisor Katz) term expired March 31, 1995, for new two-year terms ending March 31, 1997. (Clerk of the Board)

Applicant: Pat Durham (Seat No. 20310, Supervisor Katz)

ACTION:

11. File 92-95-39. [Appts., Lead Poisoning Prevention Citizen's Adv. Cmte.] Hearing to consider appointment of members to the Lead Poisoning Prevention Citizen's Advisory Committee, vice Darnisha Wright (Seat 26606 - Housing Authority), James Threat (Seat 26608 - Rec. and Park Dept.), vice Francisco Lopez (Seat 26609 - S.F. Unified School District), vice Shelby Kennedy (Seat 26613 - must have expertise in building), vice Betty Taisch (Seat 26614 - must have expertise in real estate), vice Leticia Alcantar (Seat 26620 - must have expertise in neighborhood concerns), terms expired August 20, 1995 for new two-year terms ending August 20, 1997. (Clerk of the Board)

Applicants: James Threat (Seat 26608 - Rec. & Park rep.)
Michael Miller (Seat 26614 - real estate expertise)
Stacy Samek-Herrera (Seat 26609 - SFUSD rep.)

ACTION:

12. File 92-96-46. [Appts., Lead Poisoning Prevention Citizens Advisory Cmte.] Hearing to consider appointments to the Lead Hazard Citizens Advisory Committee, Sharon Donovan (Seat 26602, childcare); vice Janan New (Seat 26611, expertise in residential multi-dwellings); vice Elise Stone (Seat 26616, health educator); vice Ana Shul (Seat 26619, low-income advocate), and Neil Gendel (Seat 26622, public interest org.), terms expired August 20, 1996, for new three-year terms ending August 20, 1999. (Clerk of the Board)

Applicants: Neil Gendel (Seat 26622 - public interest org.)
Sharon Donovan - (Seat 26602 - childcare)

ACTION:

13. File 92-96-48. [Appt., Lead Hazard Reduction Citizens Adv. Cmte.] Hearing to consider appointment to the Lead Hazard Reduction Citizens Advisory Committee, vice Vince Malta (Seat 26710, must be residential owner), resigned, for unexpired portion of four-year term ending December 22, 1997. (Clerk of the Board)

Applicants: Bartholomew Murphy

ACTION:

14. File 92-96-39. [Appt., Lead Hazard Reduction Citizens Adv. Cmte.] Hearing to consider appointment of Lead Hazard Reduction Citizens Advisory Commission, Stephen Davis (Seat 26714 - lead testing expert); term expired December 22, 1995, for four-year term ending December 22, 1999. (Clerk of the Board)
(Consideration continued from 7/16/96.)

Applicant: Stephen Davis

ACTION:

REGULAR MATTERS

15. File 97-96-52. [Pesticide Use] Ordinance amending Admin. Code by adding Chapter 39, Sections 39.1 through 39.7, to require City departments to minimize the use of pesticides and develop integrated pest management policies. (Supervisors Shelley, Bierman, Alioto, Leal, Yaki, Katz, Ammiano, Teng)

ACTION:

16. File 97-96-47. [Relocation Assistance/Lead Admin. Fund] Ordinance amending Admin. Code by adding Section 10.117-116, creating the Relocation Assistance Lead Administration Fund, into which the fees imposed on owners of properties built or rehabilitated before 1978 will be deposited to provide for costs of relocation assistance and administration incurred in the remediation of lead hazards in residential units occupied by a child with elevated blood levels (EBL) levels. (Supervisors Shelley, Bierman, Leal, Teng, Yaki, Katz, Ammiano, Alioto, Kaufman, Brown)

ACTION:

17. File 97-96-48. [Rent Escrow Account Prog.] Ordinance amending Admin. Code by adding Chapter 74, authorizing the Dept. of Public Health to collect rents for residential units occupied by a child with lead elevated blood levels and deposit them into a rent escrow account to be used to abate lead hazards in conjunction with abatement funds available in Health Code Section 599; mandating that said escrow funds be used solely to abate the unsafe conditions arising from lead hazards upon the owners' failure to abate such hazards; providing that payment of an administrative fee equal to the reasonable cost of administration of the escrow account be paid by the owner and deposited in the account, and further providing that payment of rent into said account is not a basis for eviction. (Supervisors Shelley, Bierman, Leal, Teng, Yaki, Katz, Ammiano, Alioto, Kaufman, Brown)

ACTION:

18. File 97-96-49. [Establishment of Regulatory Fee for Lead Hazard Abatement Prog.] Ordinance amending the Admin. Code by creating Chapter 73 to establish a regulatory fee and revolving fund to subsidize the costs of tenant relocation and to cover reasonable costs incurred by the Dept. of Public Health in administering the Lead Hazard Abatement Program. (Supervisors Shelley, Bierman, Leal, Teng, Yaki, Katz, Ammiano, Alioto, Kaufman, Brown)

ACTION:

19. File 97-96-50. [Relocation Assistance for Lead Hazard Remediation] Ordinance amending the Admin. Code by creating Chapter 72, mandating relocation assistance be provided to residents vacated from residential units deemed unsafe due to the presence of lead hazards or due to the unpermitted use of a residence discovered pursuant to a lead hazard inspection, provided that the costs of short-term relocation and associated administrative costs shall be paid for by the fees collected pursuant to Admin. Code Chapter 73, and further providing criminal sanction for failure to provide such assistance. (Supervisors Shelley, Bierman, Leal, Teng, Yaki, Katz, Ammiano, Alioto, Kaufman, Brown)

ACTION:

20. File 109-96-3. [Passthroughs and Evictions Based on Lead Remediation Work] Ordinance amending Admin. Code Section 37.3 to permit rent increases for Lead Hazard Remediation Work; to limit passthroughs of rent increases for capital improvements and operating and maintaining costs of lead hazard remediation activities to 10% of a tenant's base rent and to regulate passthroughs for lead hazard remediation activities where deferred maintenance contributes to the existence of the lead hazard; and, amending Section 37.9 to create a just cause eviction for lead remediation work. (Supervisors Shelley, Bierman, Leal, Teng, Yaki, Katz, Ammiano, Alioto, Kaufman, Brown)

ACTION:

21. File 125-96-1.1. [Lead Housing Nuisances] Ordinance amending the definition of nuisance in Section 401 of the Housing Code, to include dwelling units subjected to hazard reduction orders or emergency orders under Sections 1628 and 1630 of the Health Code. (Supervisors Shelley, Bierman, Leal, Teng, Yaki, Katz, Ammiano, Alioto, Kaufman, Brown)

ACTION:

22. File 125-96-1.2. [Lead Hazards] Ordinance amending the Health Code, Article 26, by renumbering Sections 1600 to 1640, and adding new authority for the Director of Public Health to issue nuisance abatement orders against defined lead hazards, to require posting of lead hazard information by landlords and home improvement stores, and to strengthen the Dept. of Public Health's management of elevated blood lead level children through treatment and public education. (Supervisors Shelley, Bierman, Leal, Teng, Yaki, Katz, Ammiano, Alioto, Kaufman, Brown)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE!!!

Bill Lynch
Documents Section
Main Library-Civic Center
100 Larkin Street
(41)

Attn: Kate Wingerson

BF
S90.84
#3
1/196

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

September 27, 1996

DOCUMENTS DEPT.

TO: ☰ Rules Committee

OCT 01 1996

FROM: ☰ Budget Analyst Recommendations for meeting of...

SAN FRANCISCO
PUBLIC LIBRARY

SUBJECT: ☰ October 1, 1996 Rules Committee Meeting

Items 16, 18 and 19 -- Files 97-96-47, 97-96-49 and 97-96-50

Items:

File 97-96-47: Ordinance amending the Administrative Code, Chapter 10, Article XIII by adding Section 10.117-116, to be known as the Relocation Assistance/Lead Administration Fund, into which the fees imposed on owners of properties built or rehabilitated before 1978 will be deposited to provide for the costs of relocation assistance and administration incurred in the remediation of lead hazards in residential units occupied by a child with elevated blood lead (EBL) levels.

File 97-96-49: Ordinance amending the Administrative Code by creating Chapter 73 to establish a regulatory fee and revolving fund to subsidize the costs of tenant relocation and to cover the reasonable costs incurred by the Department of Public Health in administering the Lead Hazard Abatement Program.

File 97-96-50: Ordinance amending the Administrative Code, by creating Chapter 72, mandating relocation assistance be provided to residents vacated from residential units deemed unsafe due to the presence of lead hazards or due to the unpermitted use of a residence discovered pursuant to a lead hazard inspection, provided that the

costs of short term relocation and associated administrative costs shall be paid for by the fees collected pursuant to Administrative Code Chapter 73, and further providing criminal sanction for failure to provide such assistance.

Description: The proposed ordinances described in this report pertain to the relocation of tenants in connection with lead hazard remediation ordered by the Department of Public Health (DPH). Related proposed amendments to the Health Code would give the DPH the authority to order the vacation of units, if officials believe that this is necessary to protect the occupants from lead hazards or to enable lead hazard remediation work to be completed (see Item 22, File 125-96-1.2 of this report to the Rules Committee). The three ordinances listed above would, in summary, do the following:

File 97-96-50: Specifies the conditions under which tenants would be entitled to relocation assistance related to lead hazard remediation, and the amount of such assistance.

File 97-96-49: Establishes an annual fee of \$1.00 per unit on all housing built before 1978, to mitigate the financial burden on landlords ordered to abate lead hazards and provide relocation assistance to tenants.

File 97-96-47: Establishes a Relocation Assistance/Lead Administration Fund to receive the collections from the fee proposed in File 97-96-49, and specifies permissible uses of the fund.

File 97-96-50

This proposed ordinance would create Chapter 72 of the Administrative Code, pertaining to relocation assistance for lead hazard remediation. The proposed ordinance states that relocation assistance for up to 3 months may be needed by tenants or owner-occupants, because displacement for lead hazard remediation may occur with little advance notice, will typically require obtaining alternative temporary housing, and is likely to effect low income households because such households are more likely to reside in older housing stock, that is more subject to lead hazards.

Relocation assistance would be provided by the landlord to any tenant or owner-occupant who has been served with a Notice to Vacate by the DPH or the Department of Building Inspection (DBI) pursuant to a lead hazard inspection. (See

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
October 1, 1996 Meeting of Rules Committee

Item 22, File 125-96-1.2 , which would authorize the DPH to inspect dwelling units occupied by a lead poisoned child.)

For short term relocations (up to 30 days), relocation assistance of \$35 per person per day would be provided, plus \$10 per person per day for food, transportation and other relocation expenses. For such short-term relocations, landlords would receive the necessary monies to pay tenants from the Relocation Assistance/Lead Administration Fund that is proposed in File 97-96-49, as described below. This Fund would be supported by fees from all owners of residential units built prior to 1978. However, Ms. Ilene Dick of the City Attorney's Office states that the landlord would be obliged to pay the relocation assistance even if insufficient funds are available in the Fund. In this case, the landlord would be reimbursed from the Fund when such monies become available.

For moderate term relocations (one to three months), each tenant would receive \$1,250, up to a maximum of \$4,000 per household. Landlords would be responsible for payment of this moderate term relocation assistance, without recourse to the Relocation Assistance/Lead Administration Fund. If a landlord fails to provide the relocation payment by the time the tenant is required to vacate the unit, the tenant could receive up to another \$4,000 from the landlord, if the tenant can show receipts for actual costs incurred up to \$4,000. The proposed legislation further states that such additional payment could not exceed the tenant's actual living expenses immediately prior to their displacement.

For permanent relocation, which could occur when a DPH Order cites an unlawful residential use and the landlord decides to permanently remove the unit from housing use, the landlord would be obligated to provide relocation assistance in an amount equal to five months fair market rent for up to a two bedroom unit, as stated in the most recent schedule issued by the federal Department of Housing and Urban Development (HUD).

This proposed ordinance would give the displaced tenant the right to reoccupy the unit from which they were displaced upon completion of the remediation work. The landlord would not be permitted to raise the rent, if the displaced tenant moves back in, except for the passthrough of remediation expenses that would be permitted under the proposed amendment to the Rent Ordinance that is described in Item 20, File 109-96-3 of this report to the Rules Committee.

BOARD OF SUPERVISORS
BUDGET ANALYST

Tenants would not be eligible to receive relocation assistance if (1) the tenant refuses to vacate the premises by the date stated on the Notice or (2) the tenant or a guest of the tenant created or substantially contributed to creation of the lead hazard conditions. Also, if a tenant is behind in rent payments at the time the relocation payment is due, the landlord may deduct the overdue rent from the relocation payment.

Violations of the proposed relocation assistance ordinance would be punishable by a fine of up to \$1,000 and/or up to six months in jail.

File 97-96-49

This proposed ordinance would establish an annual \$1 per unit fee, applicable to all residential units built on or before January 1, 1978, to fund short term relocation assistance related to lead hazard remediation, and to provide funds for the administration of the lead hazard remediation activities of the DPH. The legislation states that housing built before 1978 has a high probability of containing lead hazards. In approving the ordinance, the Board would make a finding that the financial hardship on individual landlords caused by their obligation, under Article 26 of the Health Code, to remediate lead hazards and to provide relocation assistance (see Item 22, File 125-96-1.2 of this report to the Rules Committee) needs to be minimized, by spreading the costs of relocation assistance among all owners of residential property that is likely to contain lead hazards.

As stated above, the fee would start at \$1 per unit per year. In the first year, no more than \$0.50 of each fee could be used for relocation assistance, with the balance of at least \$0.50 to be used for administrative, inspection, testing and sampling costs to be paid into the Relocation Assistance/Lead Administration Fund. (This Fund is described below under File 95-96-47.) The DPH would have the discretion to adjust the allocation of fee revenues between the relocation and program cost coverage in future years, up to a maximum of \$5.00 per unit to the Relocation Assistance/Lead Administration Fund. Ms. Dick states that Board of Supervisors approval would be required, however, to raise the fee from \$1 per unit per year.

The proposed ordinance establishing this regulatory fee states that, if the Relocation Assistance/Lead Administration Fund, which is supported by a fee paid by all owners of residential units built prior to 1978, has

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
October 1, 1996 Meeting of Rules Committee

insufficient monies to pay all relocation assistance to which a tenant is entitled, the individual landlord would be responsible to pay the relocation assistance. The landlord could obtain reimbursement from the Relocation Assistance/Lead Administration Fund when sufficient monies become available in the Fund.

File 97-96-47

This proposed ordinance would create a Relocation Assistance/Lead Administration Fund to receive the fee revenue that would be generated by the proposed ordinance described above (File 95-96-49). The Fund would be administered by the DPH. Monies from the Fund could only be expended for the following purposes:

- (1) Relocation Assistance: providing short term (up to 30 days) relocation assistance to tenants or owner occupants ordered to vacate their housing units because of lead hazard remediation activities in a unit occupied by a child with lead poisoning. The amounts of such assistance are specified in File 95-96-50, described above.
- (2) Providing for the administrative costs of inspection, sampling and testing associated with identifying lead hazards, as defined in Article 26 of the Health Code (see Item 22, File 125-96-1.2 of this report to the Rules Committee). File 95-96-49, which establishes the fee, also states that the costs incurred in administering the Fund could be recovered from the Fund.

Interest earned from the Fund would be used exclusively for the same purposes. Any money remaining in the Fund at the end of any fiscal year would be carried forward, and used to reduce the fee in the next fiscal year.

Comments:

1. The DPH estimates that there are approximately 307,000 housing units in San Francisco that were built on or before January 1, 1978, and would be subject to the proposed \$1 fee. Estimated annual revenues from the proposed fee therefore total \$307,000.
2. According to the proposed legislation (File 95-96-49), the costs of administering the proposed Fund could be recovered from the Fund. Ms. Dick states that this would include any costs incurred by the Assessor, the Controller or the Tax Collector in developing the billing list and adding billing information to the Property Tax bill. The companion legislation (File 95-96-47) should be amended for consistency

BOARD OF SUPERVISORS
BUDGET ANALYST

to state that the proposed Fund can be used to cover the costs incurred for administering the Fund.

3. Ms. Karen Cohn, Manager of the DPH Childhood Lead Prevention Program, states that new administrative and clerical staff would be required to administer the proposed Fund, as well as to administer the proposed Rent Escrow Account Program that is described in Item 17, File 97-96-48 of this report to the Rules Committee and the increased notice, hearing, penalty and billing requirements contained in the amendments to Article 26 of the Health Code, which are described in Item 22, File 125-96-1.2 of this report. Specifically, Ms. Cohn states that the Childhood Lead Prevention Program would need to hire a 1426 Senior Clerk Typist, an 1822 Administrative Analyst, and an 0.66 FTE 1632 Senior Accounting Clerk, at a total annual cost of approximately \$148,821 with benefits at the top step.

Overall anticipated costs of implementation of the seven lead remediation items on this calendar are summarized in Items 21 and 22, Files 125-96-1.1 and 125-96-1.2 of this report to the Rules Committee.

4. The proposed ordinances which establish the Relocation Assistance/Lead Administration Fee (File 95-96-49) and the Relocation Assistance/Lead Administration Fund (File 95-96-47) both state that a portion of the fee should be used to fund the costs of inspection, testing, sampling and administration associated with identifying lead hazards, as specified in Article 26 of the Health Code (e.g., related to units occupied by a lead poisoned child). However, the proposed amendments to Article 26 (Item 22, File 125-96-1.2 of this report) also establish that the DPH can bill landlords who are subject to an investigation or other enforcement action, and who are subsequently subject to a Final Order from the DPH, to cover the costs of inspection, sampling, testing and administrative time. In the professional judgment of the Budget Analyst, it is appropriate to provide the DPH with a source of funding (e.g. the Relocation Assistance/Lead Administration Fund) that can be used to cover staff and other costs as they are incurred. However, the Budget Analyst believes that, to the extent that revenues in the Relocation Assistance/Lead Administration Fund are appropriated by the DPH to cover the administrative costs, inspection, testing and sampling for lead hazards, the Fund should be reimbursed when the DPH collects payments from landlords billed for such activities undertaken during investigation or enforcement actions. The Budget Analyst supports the goal of funding lead

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hazard enforcement activities as much as possible through direct billing and/or fees, rather than from the General Fund, but we recommend clarifying the proposed legislation to avoid charging fees and billing for the same activities.

5. Ms. Dick advises that the existing Rent Ordinance requires (in Section 37.9(a)(11) landlords to pay relocation assistance to tenants required to vacate their units temporarily to enable the landlord to undertake capital improvements. Landlords are also required under the Rent Ordinance (in Section 37.9(a)(10) to pay relocation assistance if they remove an occupied unit from the rental market. The proposed ordinance that mandates relocation assistance for tenants forced to relocate because of lead hazard remediation (File 97-96-50) should be amended to state that tenants would not be entitled to receive both types of relocation assistance.

6. Ms. Dick advised the Budget Analyst that the City Attorney will submit an Amendment of the Whole to change certain references to "a child with elevated blood lead level" to "a lead-poisoned child."

- Recommendations:**
1. Amend File 95-96-47 to state that the Relocation Assistance/Lead Administration Fund can be used to cover the costs incurred for administering the Fund.
 2. Amend File 95-96-47 to state that to the extent that revenues in the Relocation Assistance/Lead Administration Fund are appropriated by the DPH to cover the administrative costs of inspection, testing and sampling for lead hazards, the Fund should be reimbursed when the DPH collects payments from landlords billed for such activities undertaken during investigation or enforcement actions. The Budget Analyst supports the goal of funding lead hazard enforcement activities as much as possible through direct billing and/or fees, rather than from the General Fund, but we recommend clarifying the proposed legislation to avoid charging fees and billing for the same activities.
 3. Amend File 97-96-50 to state that tenants would not be entitled to receive both the type of relocation assistance mandated in this ordinance for lead hazard relocations, and the type of relocation assistance for capital improvement relocations mandated in Sections 37.9(a)(11) and 37.9(a)(10).

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4. Approval of the proposed ordinances is a policy decision for the Board of Supervisors.

Item 17 - File 97-96-48

Item: Ordinance amending the San Francisco Administrative Code by adding Chapter 74 thereto, authorizing the Department of Public Health to collect rents for residential units occupied by a child with lead elevated blood levels and deposit them into a rent escrow account to be used to abate lead hazards in conjunction with abatement funds available in Health Code Section 599; mandating that said escrow funds be used solely to abate the unsafe conditions arising from lead hazards upon the owners' failure to abate such hazards; providing that payment of an administrative fee equal to the reasonable cost of administration of the escrow account be paid by the owner and deposited in the account, and further providing that payment of rent into said account is not a basis for eviction.

Description: The proposed ordinance would establish a mechanism, known as the Rent Escrow Account Program (REAP), for the Department of Public Health (DPH) to garnish the rental payments on residential units occupied by a child with an elevated blood lead level, in cases where the landlord has failed to comply with a lead hazard remediation order issued by the DPH. Such rental payments would be deposited to a special fund known as the Rent Escrow Account, and used by the DPH to pay for the required remediation work. An elevated blood lead level is defined in a related proposed ordinance (see Item 22, File 125-96-1.2 of this report to the Rules Committee) as a venous blood lead level greater than or equal to 10 micrograms per deciliter in a child under six years old. However, Ms. Ilene Dick of the City Attorney's Office has informed the Budget Analyst that an Amendment of the Whole will be submitted to change this reference to refer to units occupied by a "lead-poisoned child," which is defined as a child with a venous blood lead level greater than or equal to 20 micrograms per deciliter, or a persistent venous blood lead level between 15-19 micrograms per deciliter based on consecutive measurements 3-4 months apart (See Comment No. 5.)

Article 26 of the Health Code provides that the City can seek injunctions, as well as civil and criminal penalties, from landlords who fail to comply with DPH orders to remediate lead hazards. Furthermore, Section 599 of the Health Code permits the DPH to abate health hazards if the party who has been ordered to abate the hazards fails to comply. However, Ms. Dick states that such abatement is generally undertaken at the expense of the DPH, which then seeks reimbursement by placing a lien on the subject property. Ms.

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Dick states that the proposed ordinance would enable the DPH to obtain funds to carry out the remediation work faster than if the DPH has to pursue a court action or place a lien on the property.

The proposed ordinance would provide the Director of the DPH with the shorter of (1) 10 days from the expiration of the period allowed for compliance with an order issued by the DPH to remediate lead hazards, or (2) 90 days from the date of issuance of such an order, to provide the landlord with a notice that the Rent Escrow Account Program will be used to abate lead hazards, because of the landlord's failure to comply with the order. The DPH Director would have to certify that the ordered abatement has not been done, and provide an estimate of the cost of conducting such abatement work. The tenant of the hazardous unit occupied by a child having elevated blood lead levels would be requested by the DPH to pay their monthly rent payments to the REAP Fund (established for each individual case), rather than to the landlord. The tenant would be requested to pay their rent to the REAP Fund until such time as sufficient funds are available in the REAP Fund and in the special revenue fund for Payment of Property Owner's Delinquencies for Abatement and Removal of Nuisances, to perform the necessary remediation work.

The proposed ordinance states that, as soon as sufficient funds are available in the REAP fund (supplemented by any available funds in the special revenue fund for Payment of Property Owner's Delinquencies for Abatement and Removal of Nuisances established under Section 599 of the Health Code), the DPH would undertake directly or hire contractors to perform the needed lead hazard remediation work.

Upon completion of the work, the DPH would record a lien on the subject property for recovery of any costs that were not covered by the REAP fund, as well as for recovery of administrative costs for DPH staff time spent in evaluating, reviewing and monitoring the lead hazard abatement. Such administrative costs would be billed at a rate of \$85 per hour. If the remediation costs less than the amount collected in the REAP Fund, the DPH would refund the unexpended portion to the landlord.

The proposed ordinance states that the tenant's payment of rent into the REAP Fund established by the DPH is to be deemed a rent payment. Under the proposed ordinance, the subject landlord would be forbidden from undertaking a retaliatory eviction of a tenant because of such a payment into a REAP Fund.

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- Comments:**
1. Ms. Dick states that the Cities of Sacramento and Los Angeles have similar escrow account programs for general code enforcement similar to that proposed in the subject ordinance.
 2. Ms. Karen Cohn, Director of the DPH Childhood Lead Prevention Program, advises that the figure of \$85 per hour to be billed for DPH administrative costs is the rate set by the Board of Supervisors for Environmental Health Inspection services.
 3. Funds expended from the Rent Escrow Account Fund would not be subject to appropriation approval by the Board of Supervisors. The DPH would have a fiduciary responsibility to use such funds for remediation of the subject unit(s).
 4. Ms. Cohn states that she anticipates having to open and administer approximately 5 REAP Fund accounts per year. Ms. Cohn advises that the administrative burden of managing such accounts will contribute to the need for a 1426 Senior Clerk Typist, an 1822 Administrative Analyst, and a 0.66 FTE 1632 Senior Accounting Clerk. The cost of these anticipated positions totals \$148,821 with benefits at the top step, as discussed in Item 16, File 97-96-47 of this report to the Rules Committee. Overall anticipated costs of implementation of the seven lead remediation items on this calendar are summarized in Items 21 and 22, Files 125-96-1.1 and 125-96-1.2 of this report to the Rules Committee.
 5. Ms. Dick advised the Budget Analyst that an Amendment of the Whole will be submitted, substituting "a child with lead poisoning" for "a child with an elevated blood lead level," where this reference refers to lead hazard findings from an environmental investigation.

Recommendation: Approval of the proposed ordinance is a policy decision for the Board of Supervisors.

Item 20 - File 109-96-3

- Item:** Ordinance amending Chapter 37 of the San Francisco Administrative Code by amending Section 37.3 to permit rent increases for lead hazard remediation work; to limit passthroughs of rent increases for capital improvements and operating and maintenance costs of lead hazard remediation activities to 10 percent of a tenant's base rent and to regulate passthroughs for lead hazard remediation activities where deferred maintenance contributes to the existence of the lead hazard; and, amending Section 37.9 to create a just cause eviction for lead remediation work.
- Description:** The proposed ordinance would amend Chapter 37 of the Administrative Code (the Rent Ordinance) to address passthrough by landlords to tenants of costs related to lead hazard remediation work. Specifically, the proposed ordinance would establish the following:
- Landlords could increase rents by up to 10 percent of the tenant's base rent in a twelve month period to recover the costs of remediation of lead hazards. Both capital improvement expenses and ongoing operating or maintenance expenses could be used as the basis for such a rent increase. Expenditures by landlords that amount to more than 10 percent of existing rent levels could be accumulated and applied to future years' rent increases.
 - However, when the lead hazards also constitute a violation of State or local housing health and safety codes, and a Rent Board hearing officer finds that the deferral of maintenance by the current or a previous property owner caused or contributed to the existence of the lead hazards, the cost of remediation could not be passed through to the tenant.
 - If a dwelling unit is occupied by a child who has an elevated blood lead level (defined as a child under the age of six, with a venous blood lead level greater than or equal to 10 micrograms per deciliter) and the Department of Public Health (DPH) or the Department of Building Inspection (DBI) has determined that a lead hazard exists on the property, the proposed ordinance states that it will be presumed that the lead hazard was caused by deferred maintenance, unless the landlord can prove otherwise. In other words, no passthrough of remediation costs would be permitted in units with an identified lead hazard that are occupied by a child with elevated blood lead levels,

unless the property owner can show that the hazard was not caused by deferral of maintenance.

- Landlords would be permitted to temporarily recover possession of leased premises (e.g. temporarily evict a tenant) for up to 30 days, in order to perform lead hazard remediation. A related proposed ordinance (see Item 19, File 97-96-50 of this report to the Rules Committee) specifies the rights of tenants to relocation assistance under such circumstances, as well as the tenant's right to reoccupy the leased unit upon completion of the lead remediation work.

Comments:

1. The proposed ordinance states that maintenance is to be considered deferred, as determined by the Rent Board, if a reasonable landlord under the circumstances would have performed, on a regular basis, the maintenance work required to keep the premises from being in violation of State and local housing safety codes. Ms. Ilene Dick of the City Attorney's Office states that a similar standard for evaluating deferred maintenance is already included in the Rent Board Rules and Regulations. The proposed ordinance would clarify and codify the definition of maintenance which has been deferred.

In order to avoid a passthrough of the remediation costs, the tenant would have to show that the Health or Housing Code violations that exist were substantially caused by deferral of maintenance. If the tenant can establish this connection, there would be a rebuttable presumption that less lead hazard remediation work would have been needed if the maintenance had been performed in a more timely manner. Landlords would have the opportunity to rebut this assumption. Rent Board Hearing Officers would make the determination as to whether or not deferred maintenance contributed to the lead hazard.

2. Ms. Delene Wolf of the Rent Board states that, although the Rent Board will probably be required to hold a few more hearings if the subject ordinance is approved, she does not anticipate the approval of the proposed ordinance would cause an appreciable workload increase at the Rent Board, and therefore does not anticipate, at this time, that the Rent Board will require additional funds to implement this ordinance.

3. Ms. Wolf states that the Rent Board Rules and Regulations currently permit a landlord to petition once a year for a rent increase of up to 7 percent to recover increases in operating expenses, and up to 10 percent to recover increases in capital

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improvement expenses, for a total increase of up to 17 percent in a given year. Capital improvement expenses that exceed 10 percent of the base rent can be carried forward and applied to future years' rent increases.

Ms. Wolf advises that the proposed ordinance would limit the allowable rent increase for lead hazard remediation work (for operating and capital improvement expenses combined) to a total of 10 percent in a given year. However, Ms. Wolf states that the proposed ordinance would still permit carry forward to future years' rent increases of the cost of lead hazard remediation work that exceeds the 10 percent annual limit.

4. Ms. Dick advised the Budget Analyst that the City Attorney will submit an Amendment of the Whole to change the reference in Section 37.3(d)(2) from "any unit occupied by a child with elevated blood lead level" to "any unit occupied by a child with lead poisoning."

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

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Items 21 and 22 - Files 125-96-1.1 and 125-96-1.2

- Items:** File 125-96-1.1: Ordinance amending the definition of nuisance in Section 401, Part II, Chapter XII of the San Francisco Municipal Code (Housing Code), to include dwelling units subjected to hazard reduction orders or emergency orders under Sections 1628 and 1630 of the San Francisco Health Code.
- File 125-96-1.2: Ordinance amending the San Francisco Health Code, Article 26, Part II, Chapter V of the San Francisco Municipal Code, by renumbering Sections 1600 to 1640, and adding new authority for the Director of Public Health to issue nuisance abatement orders against defined lead hazards, to require posting of lead hazard information by landlords and home improvement stores, and to strengthen the Department of Public Health's management of elevated blood lead level children through treatment and public education.
- Description:** File 125-96-1.1: This proposed amendment to the Housing Code adds a new category to the definition of "nuisance," which would be any housing that is the subject of a final Hazard Reduction Order under Section 1628 of the Health Code or an Emergency Order under Section 1630 of the Health Code. These are proposed new (renumbered) sections of the Health Code under the companion measure (File 125-96-1.2) described below, which generally pertain to housing units occupied by a child with lead poisoning, where an investigation has shown that lead hazards exist in the unit. Mr. David Greenberg of the City Attorney's Office states that approval of the proposed ordinance would enable the Department of Building Inspection (DBI) to undertake enforcement efforts (complementary to the efforts of the DPH) in identified cases of residential lead hazards. Ms. Ilene Dick of the City Attorney's Office states that it is important for the DBI to have specifically enumerated enforcement authority in cases of lead hazards, in addition to the enforcement authority provided to the Department of Public Health (DPH) in the proposed amendments to the Health Code (File 125-96-1.2), because DBI is trained for and expert in identifying certain housing conditions which create lead hazards.
- File 125-96-1.2: The Board of Supervisors approved the Comprehensive Environmental Lead Poisoning Prevention Program Ordinance in December of 1992, which became Article 26 of the Health Code. This proposed amendment to Article 26 would substitute new definitions of lead hazard

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based on guidelines used by the Federal government, would provide the DPH with the authority to investigate, order and enforce remediation of lead hazards under specified circumstances, and would establish protocols for handling cases of child lead exposure, based on the amount of lead found in the child's blood. The proposed amendments would also require the dissemination of public information regarding lead hazards. Each of these provisions will be explained in more detail below.

Definitions: The proposed ordinance defines "elevated blood lead level" to mean a child under six years old with a venous blood lead level greater than or equal to 10 micrograms per deciliter, and a "lead poisoned child" to mean a child with a venous blood lead level greater than or equal to 20 micrograms per deciliter, or a persistent venous blood lead level between 15 - 19 micrograms per deciliter based on consecutive measurements 3 to 4 months apart. Ms. Karen Cohn, Program Manager of the DPH Childhood Lead Prevention Program, states that these definitions replicate Federal and State guidelines. The definitions section of the proposed amendments also provides definitions of various types of lead hazards and their remediation techniques.

Investigation, Order Authority and Enforcement: The proposed amendment would designate the DPH as the primary administering and enforcing agency under Article 26. Inspections of dwelling units for lead hazards would be triggered by identification of a lead poisoned child, as defined above, who resides in or spends a significant amount of time in the residence. DPH could also investigate locations other than dwelling units if the lead poisoned child spends time in such locations and the DPH determines that the location may contribute to the lead poisoning. If the inspection shows evidence of lead hazards, the DPH would notify all residents of the building of environmental findings.

Under the proposed amendment, buildings in which the DPH finds lead hazards based on the inspections described above would be declared nuisances under the Health Code. (As stated earlier, the companion measure, File 121-96-1.1 would declare that such buildings can also become nuisances under the Housing Code.) The DPH would be authorized to issue a Hazard Reduction Order, requiring the building owner to conduct lead hazard remediation, as specified by the DPH. The DPH would be required to provide a detailed report on the findings of the investigation,

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describing lead hazards found in the building. Owners would be given 14 days to substantially complete the remediation, or 30 days if the remediation will require permits or the hiring of contractors. The proposed amendment states that such DPH Hazard Reduction Orders must require the least invasive, lowest cost remediation techniques that will be effective. A public hearing would be held by the DPH 7 working days after issuance of a Hazard Reduction Order, at which time the owner, manager, landlord or tenants could challenge any parts of the order. The DPH Director or her designee would make the final determination as to the Hazard Reduction Order at the conclusion of the hearing.

The DPH would have the authority to order the vacation of the subject building or dwelling unit, if officials determine that this is necessary to protect the occupants against lead hazards.

The DPH would also be authorized to issue an Emergency Order, requiring the owner or manager to reduce or eliminate certain lead hazards within 48 hours if officials determine that the lead hazard nuisance presents an imminent and substantial threat to the health of a child with elevated blood lead level, as defined above.

Anyone whose property is subject to an investigation or other enforcement action under Article 26 would be charged to cover the costs of inspection, sampling, testing and administrative time. The fee would be based on a charge of \$85 per hour for DPH staff time, plus all other actual City costs required to bring the unit into compliance with the Hazard Reduction Order. This would include all tenant relocation costs, to the extent that such costs are not covered by the Relocation Fund which would be established under the proposed ordinance described in Item 16, File 97-96-47 of this report to the Rules Committee. (See Comment No. 3.)

The DPH would be responsible for conducting clearance inspections, to ensure that the property owner complies with the Hazard Reduction Order. The DPH could also issue Maintenance and Reinspection Orders requiring the owner to use private certified risk assessors on a defined schedule to prove that lead hazards have not reoccurred. If an owner fails to comply with a Hazard Reduction Order, Section 599 of the Health Code permits the DPH to pay for the remediation of the hazards, and place a lien on the property. Under the proposed ordinance, anyone who fails to comply with a Hazard Reduction Order would be liable

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for (1) a civil penalty of up to \$500 per day; (2) an administrative penalty of up to \$100 per day for the first violation in a twelve month period, \$200 per day for the second violation, and \$500 per day for each additional violation within one year; (3) potential loss of the right to deduct interest, taxes, depreciation or amortization from State personal income taxes, bank and corporate income taxes, pursuant to Sections 17274 and 24436.5 of the California Revenue and Taxation Code; and/or (4) a criminal misdemeanor fine of up to \$1,000 per violation, and/or up to six months in jail.

Protocols for Case Management: The proposed amendment to Article 26 would, according to Ms. Cohn, redefine DPH case management services according to Federal and State protocol, which includes educational intervention for children with elevated blood lead levels (venous blood lead level greater than or equal to 10 micrograms per deciliter). Environmental investigation is reserved for cases of children with lead poisoning (venous blood level greater than or equal to 20 micrograms per deciliter, or maintained at greater than or equal to 15 micrograms per deciliter over a 3 to 4 month period). The following steps would be required of the DPH:

Levels 10-14 micrograms per deciliter: Send letter and lead information packet to parents, suggesting retest in 3 months.

Levels 15-19 micrograms per deciliter: Home visit to provide education regarding lead hazards by a Public Health Nurse.

Levels 20 micrograms per deciliter or above/Levels 15-19 in consecutive measurements 3-4 months apart: Home visit by Public Health Nurse, and environmental investigation by an Industrial Hygienist or Environmental Health Inspector with report on lead hazard findings. If lead hazards are found, the DPH could issue Lead Hazard Reduction or Emergency Orders.

Public Information: Under the proposed amendment, the DPH would be required to prepare a "Pre-1978 Hazard Notice" form for owners and occupants of residential property, explaining that units built before 1978 may contain lead hazards and providing a DPH phone number to call for more information. Owners of property built before 1978 would be required to obtain signed Affidavits from their tenants showing that the tenants have read a copy of this

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Notice. In addition, the Tax Collector would mail a copy of the Notice and Affidavit forms, in a special mailing, annually, until January 1, 2000.

The DPH would also be required to produce a pamphlet explaining techniques for lowering the risk of lead hazards from painting and home remodeling. Owners and managers of all retail stores selling home improvement products would be required to maintain a supply of these pamphlets for their customers, and to post a sign designed by the DPH that gives a warning equivalent to: "PAINTING AND REMODELING CAN EXPOSE YOUR FAMILY TO LEAD. ASK FOR A FREE PAMPHLET ON LEAD-BASED PAINT HAZARDS."

Comments:

1. Ms. Karen Cohn, Program Manager of the DPH Childhood Lead Prevention Program, states that the proposed ordinances (Files 125-96-1.1 and 125-96-1.2) will provide the DPH with explicit authority to issue and enforce Hazard Reduction Orders regarding lead hazards, in cases where lead-poisoned children are identified. Ms. Cohn states that the proposed amendments to the Health Code (File 125-96-1.2) will specify the powers that the DPH has with regard to lead hazard remediation, as well as the process that the DPH must use for remediation orders and for case management of children with elevated blood lead levels.
2. Ms. Cohn estimates that the Childhood Lead Prevention Program will issue approximately 10 Lead Hazard Reduction Orders per year, which will each require approximately 40 hours of staff work. In addition, she estimates that the Program will issue approximately 30 Emergency Orders per year, which will each require approximately 20 hours of staff work. The Program is permitted to charge landlords \$85 per hour for such services, so Ms. Cohn projects that a total of approximately \$85,000 per year ((40 hours x 10 cases x \$85) plus (20 hours x 30 cases x \$85)) in revenues, not counting materials and equipment charges, will be generated.
3. The Budget Analyst has identified the following potential cost areas associated with the proposed amendment to the Health Code (File 125-96-1.2):

Investigations and Enforcement: Ms. Cohn advises that the Childhood Lead Prevention Program already conducts these activities at units where a child with lead poisoning resides, although the authority provided in the proposed

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ordinance could increase such investigative and enforcement activities, and would increase the reporting and administrative requirements associated with such activities. For example the proposed ordinance requires that the report to the owner and tenant following a lead hazard investigation be provided in the "appropriate language(s) of the affected tenant(s), owner(s) and/or manager(s). Ms. Cohn states that contracts for translation services of up to a total of \$5,000 per year may be required to comply with this provision.

However, owners of properties subject to the lead hazard investigation provisions of the proposed ordinance would be billed at a rate of \$85 per hour for DPH staff costs, as well as for actual costs of any equipment supplies, and laboratory fees. See Comment No. 2 above.

The proposed amendment also requires that the DBI appoint a staff person to consult with the DPH regarding identification of the structural causes of damaged paint conditions in particular cases, so that Hazard Reduction Orders can clearly specify the causative factors and the needed remediation. Ms. Cohn advises that she anticipates that the DBI will provide such consulting services at no additional cost to the DPH.

Ms. Cohn states that she anticipates needing an additional 0.5 FTE 6122 Senior Environmental Health Inspector and either a 1.0 FTE 6137 Assistant Health Inspector or a 1.0 FTE 6120 Environmental Health Inspector to fulfill the responsibilities specified in the proposed ordinance, at an annual cost of \$109,970 to \$125,032 with fringe benefits at the top step. Ms. Cohn advises that such a position could not be completely supported by the anticipated fees, because a significant amount of staff time will be required for non-billable activities, such as maintaining a database, documenting program results, training and certification. In addition, Ms. Cohn advises that salaries for the 1.5 FTE field investigators and 1.0 FTE Public Health Nurse who provides case coordination that are already on the staff of the Childhood Lead Prevention Program are supported by non-guaranteed and unstable grant funding sources.

Case Management: Ms. Cohn states that she does not anticipate needing additional funding to support the Public Health Nurse home visits specified in the proposed ordinance because the responsibilities of field Public Health Nurses would not change substantially under the proposed ordinance.

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Public Information: Ms. Cohn states that her budget already includes funds for production of informational pamphlets, although she anticipates additional production and reproduction costs associated with the proposed amendment of approximately \$105,000 per year, including an estimated \$45,000 for postage and reproduction costs associated with the special mailing by the Tax Collector of the Notice and Affidavit forms.

In summary, the total estimated annual net new cost of the proposed amendment to the Health Code is approximately \$219,970 to \$235,032, including staff costs, translation services production and reproduction costs.

4. It should be noted, however, that in addition to the \$219,970 to \$235,032 in annual costs described in Comment No. 3, Ms. Cohn anticipates other administrative costs associated with implementing this ordinance and its related companion measures, which are described in Item 19, File 97-96-50 in this report to the Rules Committee. Such costs are estimated at \$148,821 annually, so the overall estimated cost of implementing the seven proposed ordinances related to lead hazard remediation totals \$368,791 to \$383,853 annually.

Ms. Cohn anticipates annual revenues from charges to landlords for work related to Lead Hazard Reduction Orders and Emergency Orders of approximately \$85,000 per year. In addition, a proposed fee of \$1 per unit per year (Item 19, File 97-96-50 of this report to the Rules Committee) is expected to yield approximately \$307,000 per year for a Relocation Assistance/Lead Administration Fund. A portion of this \$307,000, to be determined by the DPH and the Health Commission, would be applied to help cover the increased costs outlined above. However, an as yet undetermined portion of the \$307,000 would be needed for relocation assistance to tenants, as described in Item 19, File 97-96-50. Therefore, the Budget Analyst is unable to determine in advance how much of the estimated \$368,791 to \$383,853 annually in new costs from implementation of the seven proposed ordinances would be recovered from charges and fees.

5. The proposed amendment states that landlords would be responsible for paying tenant relocation costs. However, a related proposed ordinance (Item 18, File 97-96-49) would establish a \$1 fee on all housing built on or before January 1, 1978 to provide a Relocation Assistance/Lead

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Administration Fund. Ms. Dick states that the Relocation Assistance Fund, which would be supported by the fee assessed on all landlords of units built prior to 1978, would be used to reduce individual landlords' relocation expenses to the extent that funds are available under Article 26, but the proposed language of Article 26 would establish that individual landlords have a responsibility to provide relocation assistance (as defined in Item 16, File 97-96-47), regardless of whether they can recoup full payment from the proposed Relocation Assistance/Lead Administration Fund.

Recommendation: Approval of the proposed ordinances (Files 125-96-1.2 and 125-96-1.2) are policy decisions for the Board of Supervisors.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Brown
Supervisor Hsieh
Supervisor Katz
Supervisor Kaufman
Supervisor Teng
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REGULAR MEETING

TUESDAY, OCTOBER 15, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

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For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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APPOINTMENTS

1. File 33-96-29. [Appointment, Human Rights Commission] Hearing to consider Mayor's appointment of Shirley Dimapilis to serve as commissioner for the Human Rights Commission. (Mayor)
(Last day for Board consideration is 11/4/96)

Committee shall make a recommendation to prepare in/report out of Committee one of the following two motions:

- a. Motion approving Mayor's appointment of Shirley Dimapilis to serve as a commissioner of the San Francisco Human Rights Commission.
- b. Motion rejecting Mayor's appointment of Shirley Dimapilis to serve as a commissioner of the San Francisco Human Rights Commission.

ACTION:

2. File 92-96-30. [Appt., Park & Open Space Advisory Cmte.] Hearing to consider appointments to the Park and Open Space Advisory Committee, vice Lonnie Lawson (Supervisor Brown, Seat No. 23304) and vice Sharon Hewitt (Supervisor Katz, Seat No. 23307), for two-year terms beginning July 1, 1996 and ending July 1, 1998. (Clerk of the Board)

APPLICANTS: Lonnie Lawson (Supervisor Katz, Seat 23307)

ACTION:

3. File 92-96-52. [Appts., Delinquency Prev. Comm.] Hearing to consider appointments to the Delinquency Prevention Commission, vice Belinda Fobbs-Johnson (Seat 21806, must have interest in and be knowledgeable regarding juvenile delinquency prevention), resigned, for unexpired portion of four-year term ending December 31, 1998; and vice Megan Burke (Seat 21819, must have interest in and be knowledgeable regarding juvenile delinquency prevention), resigned, for unexpired portion of four-year term ending June 30, 1999. (Clerk of the Board)

APPLICANT: Maria Rosa Navarro (Seat 21819)

ACTION:

4. File 92-96-54. [Appointment, Lead Hazard Citizen's Advisory Cmte.] Hearing to consider appointment to the Lead Hazard Reduction Citizen's Advisory Board vice Mike Conner (Seat 26715 - lead abatement expert), resigned, for the unexpired portion of four-year term ending December 22, 1996. (Clerk of the Board)

APPLICANT: Nancy Burns (Seat 26715 - lead abatement expert)

ACTION:

5. File 92-96-55. [Appt., Lead Poisoning Prev. Citizen's Adv. Cmte] Hearing to consider appointment to Lead Poisoning Prevention Citizen's Advisory Cmte. vice Rebecca Hernandez, (Seat 26612 - affordable housing rep), resigned, for the unexpired portion of four-year term ending on August 20, 1999. (Clerk of the Board)

APPLICANT: Ellen Frost (Seat 26612 - affordable housing rep.)

ACTION:

6. File 92-96-42. [Appointments, Assessment Appeals Board #1] Hearing to consider appointments to the Assessment Appeals Board #1, vice Mark Hagopian (Seat 21003, Reg. position, 5 yrs. prof. experience in State per Rev./Tax Code Sec. 1624) and Fiona Ma (Seat 21004, Hearing Officer, Alt. position, 5 yrs. prof. experience in State per Rev./Tax Code Sec. 1624), terms expired September 3, 1996, for new three-year terms expiring September 3, 1999. (Clerk of the Board)

APPLICANTS: Owen Brady (Seat 21003)
Ronald Chun (Seat 21003)
Hayes Miles (Seat 21003)
ErmeLinda Trevino (Seat 21003)
Nancy Welsch (Seat 21003)

Fiona Ma (Seat 21004)
Marty Benson (Seat 21004)

ACTION:

7. File 92-96-43. [Appts., Assessment Appeals Board #2] Hearing to consider appointments to the Assessment Appeals Board #2, Lawrence Lee (Seat 21008, Reg. position, 5 yrs. prof. experience in State per Rev./Tax Code Sec. 1624), term expired September 3, 1996, for new two-year term ending September 7, 1998; Hayes D. Miles (Seat 21014, Hearing Officer, Alt. position, 5 yrs. prof. experience in State per Rev./Tax Code Sec. 1624), term expired September 3, 1996, for new two-year term ending September 7, 1998; and Elizabeth McQuiston (Seat 21011, Hearing Officer, Alt. position, 5 yrs. prof. experience in State per Rev./Tax Code Sec. 1624), term expired September 3, 1996, for new three-year term ending September 6, 1999. (Clerk of the Board)

APPLICANTS: Lawrence Lee (Seat 21008)
Hayes D. Miles (Seat 21014)
Elizabeth McQuiston (Seat 21011)

ACTION:

8. File 92-96-44. [Appointments, Drug Abuse Advisory Board] Hearing to consider appointments to the Drug Abuse Advisory Board, vice Lois Perillo (Seat 22102, law enforcement), Dominique Leslie (Seat 22104, public-at-large), vice Chuck Louden (Seat 22105, provider), vice Pamela Gaddis (Seat 22106, public-at-large), Michelle Aldrich (Seat 22107, public-at-large), terms expired October 1, 1996, for new three-year terms ending October 1, 1999, and Gregg Lowder (Seat 22112, public-at-large), resigned, for unexpired portion of three-year term ending October 1, 1997. (Clerk of the Board)

APPLICANTS: Matonia Harris (Seat 22102, law enforcement)
Dominique Leslie (Seat 22104, public-at-large)
Jeffrey Reed (Seat 22106, public-at-large)
Michelle Aldrich (Seat 22107, public-at-large)
Jene Meyer (Seat 22112, public-at-large),

ACTION:

REGULAR ITEMS

9. File 129-96-1. [Assessment Appeals Board Procedural Rules] Motion adopting Assessment Appeals Board Procedurual Rules. (Assessment Appeals Board)

ACTION:

10. File 54-96-9. [Off-Site Meeting, Govt. Efficiency/Labor] Motion ordering the December 1996 meeting of the Government Efficiency and Labor Committee of the Board of Supervisors to be held on December 12, 1996, at 5:30 p.m. at the Everett Middle School, 450 Church Street. (Supervisor Ammiano)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

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RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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NOV 01 1996

SPECIAL MEETING

SAN FRANCISCO
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MONDAY, NOVEMBER 4, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 404
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

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. File 92-96-57. [Appts., DPC] Hearing to consider appointing members to the Delinquency Prevention Commission, Brian Henning (vice himself, Seat 21811, nominee of Supervisor Shelley) term expires December 31, 1996, for new four-year term ending December 31, 2000. (Clerk of the Board)

ACTION:

- . File 97-96-18.1. [Sexual Harassment Policy] Ordinance amending Admin. Code by repealing Section 16.9-25 and adding Section 16.9-25 concerning policy on sexual harassment; charging the Human Resources Dir. with providing quarterly and annual reports on sexual harassment; and providing that the Commission on the Status of Women may offer support on related matters. (Supervisors Shelley, Kaufman, Bierman)
Chair may entertain a motion to send this item to Full Board as a Committee Report for consideration on Monday, November 4, 1996.)

ACTION:

- . File 242-96-2. [Women's Economic Agenda] Hearing to consider the recommendations of the 1995 San Francisco Women's Economic Agenda. (Supervisors Shelley, Leal)

ACTION:

- . File 174-96-4. [Long Term Care Pilot Project Task Force] Resolution designating the Dept. of Public Health as the lead agency for implementing a Long Term Care Pilot Project and creating a task force to develop a comprehensive plan for long-term care pursuant to the State's Long Term Care Integration Pilot Program. (Supervisors Shelley, Leal)
Chair may entertain a motion to send this item to Full Board as a Committee Report for consideration on Monday, November 4, 1996.)

ACTION:

- . File 189-96-3. [Nbhd. Comm. Dist. Eval.] Resolution requesting the Planning Commission to undertake an evaluation of neighborhood commercial districts, as defined in Planning Code Section 702.1 and other neighborhoods, setting forth goals for the evaluation, including determining what appropriate changes are needed to preserve neighborhood commercial character, and requesting a report to be submitted on the results of the evaluation. (Supervisors Shelley, Katz, Alioto, Teng, Yaki, Ammiano, Brown, Hsieh)
(Chair may entertain a motion to send this item to Full Board as a Committee Report for consideration on Monday, November 4, 1996.)

ACTION:

ULES COMMITTEE
AN FRANCISCO BOARD OF SUPERVISORS
ETERANS BUILDING, ROOM 308
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AN FRANCISCO, CA 94102

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CITY AND COUNTY



OF SAN FRANCISCO

#3
BOARD OF SUPERVISORS**BUDGET ANALYST**14/96
1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

November 1, 1996

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst *Recommendations for meeting of*

NOV 05 1996

SUBJECT: November 4, 1996 Rules Committee MeetingSAN FRANCISCO
PUBLIC LIBRARYItem 2 - File 97-96-18.1

Item: Ordinance amending Chapter 16 of the San Francisco Administrative Code, by repealing Section 16.9-25, and adding a new Section 16.9-25, to amend the policy of sexual harassment; charging the Human Resources Director with providing quarterly and annual reports on sexual harassment; and providing that the Commission on the Status of Women may offer support on related matters.

Description: The proposed amendment to Chapter 16 of the Administrative Code would replace the existing section pertaining to sexual harassment (Section 16.9-25) with a new version of the policy on sexual harassment. Ms. Vicki Clayton of the City Attorney's Office states that the proposed new sexual harassment policy does not contain significant policy changes from the existing policy. Ms. Clayton advises that one purpose of restating the policy in the proposed ordinance is to conform with the new Charter, which provided in Section 10.101 that the Civil Service Commission establish procedures for enforcing the sexual harassment policy by rule, rather than as part of the Administrative Code. Ms. Clayton states that Section 10.103 of the new Charter further states that the HRD has responsibility for reviewing and

Memo to Rules Committee
November 4, 1996 Special Rules Committee Meeting

resolving allegations of discrimination. The proposed ordinance would remove reference to specific enforcement procedures for the sexual harassment policy from the Administrative Code. Ms. Andrea Gourdine of the HRD reports that the HRD has developed such procedures, and will circulate them to the Civil Service Commission, the Commission on Status of Women (COSW), and City Attorney's Office for review and comment prior to issuing the new procedures.

Ms. Clayton states that the proposed ordinance uses definitions of sexual harassment that conform with existing State and Federal law.

The proposed ordinance states that the City will train and educate management and employees regarding sexual harassment issues and policy, by familiarizing all employees with the proposed ordinance and rules that would be promulgated.

Comments:

1. According to Ms. Clayton, one new policy contained in the proposed ordinance would state that the City and County will take reasonable steps to prohibit its officials and employees, acting within their official duties, from sexually harassing members of the general public. Ms. Clayton states that she does not anticipate that this provision would create new liability for the City, beyond basic liability for the conduct of City officials and employees acting in their official capacities.
2. Ms. Gourdine states that the HRD expects to handle an increased load of sexual harassment claims because of the increased awareness of the City's sexual harassment policy that will result from the proposed training and education efforts. Ms. Gourdine advises that the HRD expects to need two additional Equal Employment Opportunity Specialists to conduct the investigation of sexual harassment claims and coordinate the training and education efforts. Ms. Gourdine further states that she has been advised by the Mayor's Office that funding for such HRD positions would be obtained from a requested reappropriation of existing funds in the City's overall FY 1996-97 Budget, and would not require the appropriation of new General Fund monies.

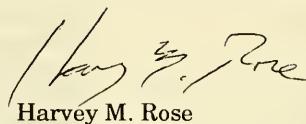
Recommendation: Approval of the proposed ordinance is a policy decision for the Board of Supervisors.

Item 5 - File 189-96-3

- Item:** Resolution requesting the Planning Commission to undertake an evaluation of neighborhood commercial districts, as defined in San Francisco Municipal Code, Part II, Chapter II ("Planning Code"), Section 702.1, and other neighborhoods, setting forth goals for the evaluation, including determining what appropriate changes are needed to preserve neighborhood commercial character, and requesting a report to be submitted on the results of the evaluation.
- Description:** In 1987, the Board of Supervisors approved the creation of Neighborhood Commercial Individual Area Districts (NCDs) in Section 702.1 of the Planning Code after a series of studies conducted by the Planning Department between 1985 and 1987. Zoning controls were established in the NCDs to preserve neighborhood character. The proposed resolution states that, because neighborhood character and conditions have changed since the 1987 studies, and because many San Francisco residents and merchants have expressed concerns about the proliferation of commercial establishments within their neighborhoods, the Planning Commission should undertake to update the 1985-1987 NCD studies, as well as to consider the creation of new NCDs, to identify new zoning changes that may be necessary.
- Comments:**
1. Mr. Robert Passmore of the Planning Department states that there is \$12,000 in the Planning Department's FY 1996-97 budget that could be expended for updating its prior studies. Mr. Passmore advises that a complete update of the prior studies could require approximately \$50,000 to complete, or an additional need for \$38,000, although he cautions that this is a preliminary estimate, which assumes that no environmental impact report would be required.
 2. Mr. Passmore states that, if the proposed resolution is approved, the Planning Department will start the NCD update studies, using the \$12,000 that is available in the FY 1996-97 budget. However Mr. Passmore stated that the Planning Department has been advised of other pending legislation related to NCDs that might also require expenditures from the existing \$12,000 contained in the Department's FY 1996-97 budget. Mr. Passmore further states that, in order to complete the requested NCD studies, it is possible that the Planning Department may either have to request up to an estimated \$38,000 in the FY 1997-98 budget, or request a supplemental appropriation of up to this amount during FY 1996-97.

Memo to Rules Committee
November 4, 1996 Special Rules Committee Meeting

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: President Shelley
Supervisor Leal
Supervisor Ammiano
Supervisor Alioto
Supervisor Bierman
Supervisor Brown
Supervisor Hsieh
Supervisor Katz
Supervisor Kaufman
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Steve Agostini
Paul Horcher
Ted Lakey

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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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TUESDAY, DECEMBER 3, 1996 - 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kevin Shelley, Susan Leal, Tom Ammiano

CLERK: Joni Blanchard

* * * * *

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1. File 92-96-60. [Appointment, Drug Abuse Advisory Board] Hearing to consider appointing member to the Drug Abuse Advisory Board, vice Joseph Engler (Seat 22101, must represent law enforcement), resigned, for unexpired portion of three-year term ending October 1, 1997. (Clerk of the Board)

Applicant: Anita Gilbert
Vernon Grigg, III
George Jurand
Amy Penkin

ACTION:

2. File 92-96-44. [Appointments, Drug Abuse Advisory Board] Hearing to consider appointments to the Drug Abuse Advisory Board, vice Chuck Louden (Seat 22105, provider), term expired October 1, 1996, for new three-year term ending October 1, 1999. (Clerk of the Board)

(Consideration continued from 10/15/96)

Applicants: Richard Bender
Anita Gilbert
Michael Greenberg
George Jurand
Joyce Kermーン
Amy Penkin
Yvonne Littleton

ACTION:

3. File 92-96-62. [Appointments, Ballot Simplification Committee] Hearing to consider appointing members to the Ballot Simplification Committee, John Odell (Seat 21201, represents National Academy of Television Arts and Sciences), vice Nicholas De Lucca (Seat 21202, represents California Association of Broadcast Editorial Directors); and vice Mary Jane Brinton (must represent League of Women Voters), terms expire November 30, 1996, for new two-year terms ending November 30, 1998. (Clerk of the Board)

Applicant: John Odelle (Seat 21201)

ACTION:

ULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
ETERANS BUILDING, ROOM 308
01 VAN NESS AVENUE
AN FRANCISCO, CA 94102

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Posted 12/15/96

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO SPECIAL MEETING

THURSDAY, DECEMBER 19, 1996 10:00 A.M. VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: SUPERVISORS SUSAN LEAL, TOM AMMIANO AND BARBARA KAUFMAN

CLERK: Joni Blanchard

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APPOINTMENTS

1. File 92-96-63. [Appointment, ABAG Executive Board] Hearing to consider appointing of one representative to the Association of Bay Area Government Executive Board, vice Sue Bierman (Seat 10302), resigned, and two (2) alternates (Seat 10303 and Seat 10304) for the unexpired terms ending June 30, 1997. (Clerk of the Board)

APPLICANTS: Supervisor Susan Leal (Seat 10302)
Supervisor Michael Yaki (Seat 10302)

ACTION:

2. File 92-96-64. [Appointment] Hearing to consider reaffirming the appointments to the Golden Gate Bridge, Highway and Transportation District of Supervisor Tom Ammiano (Seat 50306), Supervisor Susan Leal (Seat 50307), Supervisor Barbara Kaufman (Seat 50308), Stephan Leonoudakis (Seat 50301), James Bronkema (Seat 50302), Robert McDonnell (Seat 50303), Robert Ross (Seat 50304), terms subject to affirmation each two years, and to consider appointment of a member of the Board of Supervisors vice Supervisor Angela Alioto (Seat 50305). (Clerk of the Board)

APPLICANTS: Supervisor Mabel Teng (vice Supervisor Alioto, Seat 50305)
Supervisor Tom Ammiano (Seat 50306)
Supervisor Susan Leal (Seat 50307)
Supervisor Barbara Kaufman (Seat 50308)

James Bronkema (Seat 50302)
Stephan Leonoudakis (Seat 50301)
Robert McDonnell (Seat 50303)
Robert Ross (Seat 50304)

John Moylan (applying for any director seat)

ACTION:

3. File 92-96-65. [Appointment] Hearing to consider the appointment of a member of the Board of Supervisors, vice Supervisor Hsieh (Seat 12301), to the Joint Powers Board with San Mateo and Santa Clara counties concerning CalTrain. (Clerk of the Board)

APPLICANT: Supervisor Sue Bierman

ACTION:

4. File 92-96-66. [Appointment] Hearing to consider appointment to the Park and Open Space Advisory Committee, vice Christine Schneider (Seat 23318, must be nominee of Supervisor Bierman), resigned, for the unexpired portion of a two-year term ending July 15, 1997. (Clerk of the Board)

APPLICANT: Bette Wallace Landis

ACTION:

File 92-96-21. [Appointments, Sunshine Ordnance Task Force] Hearing to consider appointment of member to the Sunshine Ordnance Task Force, vice Bruce Bellingham (Seat No. 27103 - must be member of press or electronic media with interest in citizen access and participation in local government), for new two-year term ending April 27, 1998; see File 92-96-21.1. (Clerk of the Board)

APPLICANT: Zoran Basich

ACTION:

File 92-96-67. [Appointment] Hearing to consider appointment to the Sunshine Ordnance Task Force, vice Landis Whistler (Seat 27107, must be member of the public with interest/experience in local govt.), resigned, for the unexpired portion of a two-year term ending April 27, 1998. (Clerk of the Board)

APPLICANT: Marilyn Borovoy
Robert Henderson
Stephen Pantos
Richard Rothman
Lisa Saporito
Marjorie Stern
Nancy Sutley

ACTION:

File 92-96-62. [Appointments, Ballot Simplification Committee] Hearing to consider appointing members to the Ballot Simplification Committee, vice Nicholas De Lucca (Seat 21202, represents California Association of Broadcast Editorial Directors); and vice Mary Jane Brinton (Seat 21203, must represent League of Women Voters), terms expired November 30, 1996, for new two-year terms ending November 30, 1998. (Clerk of the Board)

ACTION: Mary Hilton (vice Mary Jane Brinton, League of Women Voters representative, Seat 21203)

File 92-96-53.1. [Appointments, Hazardous Materials Advisory Committee] Hearing to consider appointing members to the Hazardous Materials Advisory Committee of Katherine Hyde (vice Jeffrey Bornstein, Seat 22609, Mayor's nominee) for unexpired portion of four-year term ending July 1, 1998 and Matthew Litner (vice E. Seth Ligon, Seat 22610, Mayor's nominee) for unexpired portion of four-year term ending July 1999. (Mayor)

ACTION:

REGULAR MATTERS

File 172-96-45. [Joint Powers Agreement] Ordinance approving amended and restated Joint Powers Agreement changing the manner of Santa Clara County representation on the Joint Powers Board, incorporating prior amendments approved by member agencies, and waiving the requirements of tropical hardwood clause (Section 121.5(b) of the San Francisco Administrative Code). (Supervisor Hsieh)

ACTION:

10. File 32-96-1.3. [TCI/Viacom] Hearing to consider the transfer of Viacom's cable operations to TCI and proposed franchise amendments and transfer agreement. (Supervisor Shelley, Alioto, Ammiano)

ACTION:

11. File 32-96-1.7. [Cable TV Franchise Confidential Communications] Motion waiving the Attorney-Client privilege regarding the two cable television franchise confidential communications from the City Attorney's Office for which the Board of Supervisors holds the attorney-client privilege, and directing the Clerk to place these files in Board File No. 32-96-1.4. (Supervisors Ammiano, Shelley, Katz, Yaki)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

December 17, 1996

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst *Recommendations for ...*

DEC 19 1996

SUBJECT: December 19, 1996 Special Rules Committee Meeting

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Item 10 - File 32-96-1.3

Items: This is a hearing to consider the transfer of Viacom's cable television operations to Telecommunications, Inc. (TCI) and the proposed franchise amendments and transfer agreement.

Description: In approximately August, 1995, Telecommunications, Inc. (TCI) initiated acquisition of all cable television operations owned nationally by Viacom, Inc. through an exchange of stock. Viacom, Inc. was the owner of Television Signal Corporation (TSC), and, as such, formerly controlled the Cable Television Franchise Grantee under the Cable Television Franchise agreement with the City.

TSC and both its previous (Viacom Inc.) and current (TCI) parent companies have asserted that the exchange of TSC's ownership from Viacom to TCI does not require approval by the Board of Supervisors, pursuant to Section 6 of the current Cable Television Franchise Agreement, and have accordingly declined to request the consent of the Board of Supervisors prior to the acquisition of TSC by TCI. Other disputes between the City and TSC regard (a) provision of public building wiring and cable service; (b) service obligations and area of service; (c) the provision of services and support for public, educational and governmental access; (d) the provision of conduit for use by the City; (e) subscriber rates and (f) the payment and calculation of franchise fees.

Memo to Rules Committee
December 19, 1996 Special Rules Committee Meeting

In October, 1995, the City and TSC entered into an agreement to "preserve all of the parties' respective claims and defenses" and permit negotiations regarding the transfer of control of the cable television franchise and compliance with, and potential changes to, the City's Cable Television Franchise Agreement. As a result of the negotiations, a package of proposed legislation is pending before the Board of Supervisors, and will be considered by the Board's Budget Committee because of its fiscal impact. That pending legislation is described below, and will be included in the Budget Analyst's reports to the Budget Committee on the subject legislation.

Proposed Franchise Transfer Approval Resolution

The resolution in File 32-96-1.5, which is pending before the Budget Committee, would approve the transfer of control over TSC, the City's Cable Television Franchise Grantee, from Viacom to TCI, subject to the following conditions:

- TSC would accept and agree to all amendments to the Cable Television Franchise incorporated in the ordinance under File 32-96-1.4 (also pending before the Board's Budget Committee see description below);
- The reported controlling corporate parent of TSC, TCI, would unconditionally and without limitation guarantee TSC's performance of its obligations under the Cable Television Franchise;
- TSC and the City would enter into a mutual release and waiver of obligations under the current Cable Television Franchise, as of the effective date of the franchise amendments. The effective date will be on approval of the resolution by the Board of Supervisors and acceptance of its terms by TSC and TCI (see discussion below);
- TSC and the City would enter into a rate stability agreement in which TSC would agree not to increase rates charged for Basic Service or the Expanded Service (Satellite Value Package) over current rates prior to June 1, 1997. In this agreement TSC further agrees that any amount of revenue which TSC could have received as a result of a rate increase between August 1, 1996 and June 1, 1997 will not be included in any future TSC rate increase requests.
- That Viacom Inc. pay the city \$20,000 for certain costs and expenses related to reviewing and approving the transfer.

The mutual release and waiver provides that TSC waives and releases the City and County of San Francisco from any liability or obligations arising from the Cable Television Franchise or the assessment, imposition or collection of any fees or obligations arising prior to the date of this mutual release.

The City and County would release TSC from any claims, demands, liabilities or causes of action arising out of or relating to any breach or alleged breach of the Cable Television Franchise which may have occurred prior to the date of this mutual release. The mutual release does not affect anything other than the Cable Television Franchise and acts committed or alleged prior to the execution of this mutual release, and does not affect any past, present or future tax assessments. The release expressly does not affect any claim or defense relating to the lease or sublease to, or use by 3rd parties of, or continued lease to third parties of any of the facilities installed by TSC pursuant to the franchise.

Under the terms of the release, the City would not waive claims arising from an audit of Cable Franchise Fees now being conducted by the Controller from January 1993 through June 30, 1996, provided that the City's claims shall be limited to "claims arising from arithmetical or computational errors of TSC or its agents" so long as TSC has not changed its method of reporting from prior periods. The categories of revenues to be included or excluded as the bases for the calculation of Franchise Fees shall not include the full amount of advertising revenues that the Budget Analyst identified in its Franchise Fee audit for calendar years 1991 and 1992. (See Comment No. 1).

The release provides that TCI, the controlling corporate parent of TSC, guarantees the performance by TSC of the obligations of the Cable Television Franchise as would be amended by the proposed ordinance in File 32-96-1.4 (the proposed Cable Television Franchise Agreement).

Proposed Amendments to Cable Television Franchise Agreement

The ordinance under File 32-96-1.4 pending before the Board's Budget Committee, would amend the Cable Television Franchise Agreement. Attachment 1 to this report provides a side-by-side and section-by-section summary of the existing and pending Cable Television Franchise Agreement.

In 1994, the Budget Analyst's Office, at the direction of the Board of Supervisors, conducted a Franchise Fee Audit of

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Viacom's Television Signal Corporation (TSC) for calendar years 1991 and 1992. We reported under-stated gross receipts by Viacom which form the basis of calculation for Franchise Fees due to the City, in the amount of \$3,277,990, resulting in \$163,899 in underpayments by Viacom of Franchise Fee revenue to the City for calendar years 1991 and 1992. Viacom disputed this audit finding on a legal basis and additionally asserted that Viacom had overpaid the City in the amount of \$96,415 for 1987 through 1991 and additional amounts for 1992 and subsequent years. Consequently, the City Attorney's Office undertook a review of the legal questions raised by the audit.

This dispute over the payment and calculation of Franchise Fees and other disputed matters (including the provision of public building wiring and service to public buildings, the service obligation and area of service, the provision of service and support for public, educational and governmental access and the provision of conduit for the use by the City) was the subject of extended discussions and negotiations between the City Attorney's Office and Viacom. These discussions terminated without resolution. When the acquisition of Viacom's cable operations by TCI was announced in July, 1995, the City started new negotiations with TCI. The amendments to the Franchise Agreement included in the pending ordinance under File 32-96-1.4 are the result of these negotiations.

Low Income Rates

Section 26.1 of the pending Franchise Agreement before the Budget Committee (File 32-96-1.4) provides that TSC must offer a reduced rate for basic cable services to subscribers who qualify for Supplemental Security Income (SSI) benefits. TSC would be required to continue to provide a reduced rate for the most widely subscribed tiers of service, so long as a low income rate is provided anywhere in California, including but not limited to the basic service tier and the cable programming service tier (but excluding premium and pay per view services) equal to at least a 20% reduction from standard rates. However, TSC would be under no obligation to provide a special tier of service distinct from the service tiers offered to other Subscribers.

Unilateral Amendments and Passthroughs

Section 29 of the pending Franchise Agreement before the Budget Committee (File 32-96-1.4) provides that on December 1, 1999, and at three year intervals thereafter, the Telecommunications Commission, which is comprised of five members appointed by the Mayor, subject to approval by the Board of Supervisors, may recommend amendments to

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the Franchise Agreement to the Board of Supervisors. The Board would have six months to adopt such recommended amendments, provided that such amendments:

- reflect service requirement changes based on advances in technology or demonstrated community needs;
- are substantive in nature; and
- affect a significant number of Subscribers.

The Board of Supervisors could not adopt amendments to the Franchise Agreement requiring TSC (a) to enhance facilities and support for public, educational and governmental channels beyond the amounts specified in the pending franchise agreement, (b) to provide additional low income rates so long as the rates required by Section 26.1 of the Franchise Agreement is still in place, or (c) expand the City's power to unilaterally amend the Franchise Agreement.

The Board of Supervisors also could not adopt amendments to the Franchise Agreement expanding the Required Service Area or the terms of TSC's line extension obligations outside the Required Service Area, as shown in Appendix F to the pending franchise agreement (see map in Board of Supervisors File No. 32-96-1.4) save and except with respect to the Presidio, or with respect to the unserved areas in the South of Market area.

The Telecommunications Commission could recommend unilateral amendments that expand TSC's obligations to enhancing facilities and support for public, educational and governmental channels only if such amendments were approved by at least 30% of the San Francisco subscribers to TSC pursuant to a secret ballot conducted by the Registrar of Voters. If 30% of the subscribers approved such an enhancement, TSC could recover associated costs from subscribers, by a passthrough enumerated on subscriber bills.

Section 30 of the pending Franchise Agreement provides that Grantee expenditures required to perform obligations under the Franchise Agreement shall not be offset or credited against any franchise fee payments due from TSC to the City during the term of this Franchise Agreement. TSC agrees that only expenditures related to the annual public, educational and governmental operating grant (i. e. section 27.2 (f)), may be itemized on subscriber bills. The City Administrator estimates that this amount should not exceed \$0.25 per month per subscriber or \$3.00 annually. No

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expenditure or increase in expenditures required to perform any of the obligations for services to public buildings (section 24 of the pending Franchise Agreement), the low income rate (section 26.1), facilities and support for public, educational and governmental channels (Section 27) (with the exception of the annual operating grant) and City access to new and existing conduit (Section 28) shall be passed through to subscribers in any way.

The Amendments to the pending Franchise Agreement would require TSC to make the following payments to the City:

Schedule of Grant Payments by TSC to the City Under the Pending Franchise Agreement

Cable facilities capital grant to be used for purchase and installation of cable drops or outlets and associated equipment for public buildings or other capital expenditures related to the Franchise Agreement.....	\$350,000 *
For the acquisition of equipment by the City or by any entity designated by the City to manage and control any public, educational and governmental (PEG) Channel	750,000
Sum of annual payments to support additional equipment and replacement for PEG Channels.....	123,000 **
Cash grant to the City for the development of a new public access production facility.....	400,000
Mobile video production van, for use in the production of programming for the PEG Channels, with van and equipment meeting City specifications	200,000
Funds to facilitate transfer of control over the Public Access Channel from the Grantee to a not-for-profit corporation designated by the Board of Supervisors.....	<u>75,000</u>
Subtotal.....	\$1,898,000
Sum of Annual Payments for PEG Channel operating expenses	4,320,000 ***
Gift from TCI for the purchase of television production equipment for government access channel (pending before the Board's Budget Committee under File 32-96-1.6)	<u>200,000</u>
Grand Total	\$ 6,418,000

(see footnotes on following page)

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* Annual cash grants for capital facilities to be paid in accordance with the following schedule:

1997	\$50,000
1998	50,000
1999	50,000
2000	50,000
2001	50,000
2002	25,000
2003	25,000
2004	25,000
2005	<u>25,000</u>
Total	\$350,000

** Annual cash grants for PEG Channel Equipment to be paid in accordance with the following schedule:

1997	\$ 7,000
1998	7,000
1999	7,000
2000	7,000
2001	15,000
2002	15,000
2003	15,000
2004	25,000
2005	<u>25,000</u>
Total	\$ 123,000

*** Annual Payments for PEG Channel operating expenses to be paid in accordance with the following schedule:

1997	\$ 450,000 (prorated by transfer date)
1998	450,000
1999	472,500
2000	472,500
2001	472,500
2002	495,000
2003	495,000
2004	495,000
2005	<u>517,500</u>
Total	\$ 4,320,000

In addition to the payments to be made by TSC to the City shown above, the amendments to the pending Franchise Agreement would provide additional benefits to the City as follows:

- The Franchise Agreement would replace a previous section that required the grantee to provide service to schools, universities and public buildings with expanded provisions which would require provision of service to more than 140 additional specified buildings, to newly owned or leased buildings of public entities. Required levels of service are specified.
- Increases public, educational and governmental (PEG) channels from the equivalent of 2.3 channels to 3 channels within 90 days and to 6 channels when the system is rebuilt.
- Increases the number of PEG transmission sites from 3 to 17 around the City.

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- Transfers public access control from the TSC to a not-for-profit corporation to be designated by the Board of Supervisors.
- Adds certain areas to the required service areas as shown in Appendix F to the pending Franchise Agreement.
- Requires that service be provided at a uniform installation rate, regardless of whether the person is seeking a residential or business service.
- Requires the grantee, TSC, to allow the City to install facilities in all existing unused TSC conduit and to provide conduit for the City in all new underground construction except for lateral service connections to individual subscribers.

Gift from TCI

A resolution (File 32-96-1.6, pending before the Budget Committee) would authorize the Director of the Department of Telecommunications and Information Services to accept on behalf of the City a gift in the amount of \$200,000 from TCI for the purchase of television production equipment for the Government Access Channel to be installed in the television studio in the New Main Library.

Section 10.116 of the Administrative Code requires approval by the Board of Supervisors for the acceptance of gifts to the City with a value greater than \$5,000. Such approval would subsequently be considered by the Budget Committee.

A specific list of equipment to be acquired with the pending \$200,000 gift has not yet been prepared. However, Paoletti Associates Inc., Acoustical and Audiovisual Consultants, prepared a cost estimate of recommended facilities, equipment and systems requirements for the television production facilities for the New Main Library's television studio, which totaled approximately \$1.5 million. Mr. Steve Nelson, of Administrative Services Department, states that the \$200,000 for the Government Access Studio, located in the New Main Library, will be used to fund a portion of the costs associated with the outfitting of that studio. While a final configuration of the studio and the equipment needs have yet to be determined, and funding sources have not been identified, it is likely that the total costs will exceed the amount of this grant.

Proposed Side Agreements

Another resolution, File 32-96-1.8, pending before the Budget Committee, would authorize two side agreements between TSC and the City in connection with the transfer of control of TSC from Viacom to TCI as follows:

- One side agreement is included in a November 6, 1996 letter from the City Attorney confirms that the City accepts TCI's gift of \$200,000 in cash to be used for the purpose of assisting in the purchase of production facilities for the Government Access Channel in the New Main Library (pending File 32-96-1.6 is a resolution which would approve the acceptance of this gift). This letter also confirms the City's agreement to prepare and support legislation to allow cable television providers such as TSC the same rights of access as other utilities and TCI's obligation to provide maps of its cable facilities.
- The other side agreement is included in an October 28, 1996 letter from Richard R. Patch to the City Attorney, confirming (1) that TSC will not be responsible for payment of franchise fees to the City on amounts collected from subscribers as franchise fees unless a recent court case in Baltimore is reversed on appeal, (2) the agreement of TSC and TCI to affirmatively market PrimeStar (small disc satellite TV service) to certain designated areas of the City, (3) designated points of contact for franchise issues, (4) the City's agreement to cooperate with TCI in obtaining a dismissal of litigation with respect to TCI's obligation to wire public buildings, because new sections in the pending franchise agreement clarify TCI's obligations to wire public buildings and (5) the City's agreement to the various conditions of acceptance of the pending \$200,000 gift described in the preceding paragraph.

Comments:

1. The Budget Analyst's April 27, 1994 Franchise Fee Audit of Viacom reported that Viacom had understated gross receipts and had understated franchise fees owed to the City by an estimated \$163,899 for calendar years 1991 and 1992. The understated gross revenues and understated franchise fees remitted to the City resulted from differences in the interpretations of whether certain types of revenue were to be included in gross revenue for purposes of calculation of Viacom's franchise fee obligation to the City. Areas of disagreement were as follows:

- Viacom only included net advertising revenues after deduction of expenses and profit which it received from an affiliate (Bay Cable Advertising) instead of gross advertising revenues.

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- Viacom only included net revenues received from collection agencies after deduction of collection fees instead of gross revenues collected from subscribers.
- Viacom did not include sales of TV guide revenues in gross receipts.
- Viacom did not include video control center equipment rental in gross receipts.
- Viacom did not include the value of free services provided to non-profit organizations, apartment managers, TV dealers and employees of Viacom and other cable companies.

The amendments to the Franchise Agreement pending before the Budget Committee (File 32-96-1.4) provide a clear definition of gross receipts, which was negotiated between the City and TSC, and clarify each type of gross receipts to be included for purposes of the franchise fee computation of payments by TSC to the City. Advertising revenues, which are the most significant of these gross receipts, are to be included at either 40% of advertising revenue allocable to San Francisco, less fees or commissions paid to any non-affiliated advertising agency, or actual revenues received by TSC, whichever is greater.

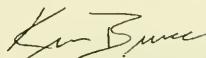
2. According to the current Franchise Agreement, TSC is not allowed to let other companies use its cable facilities without City approval. According to Ms. Julia Friedlander of the City Attorney's Office, the amendments to the Franchise Agreement pending before the Budget Committee do not change this restriction. The City Attorney's Office is investigating this issue and the City has reserved its rights to pursue any breach of the franchise in the mutual release and waiver provisions contained in the resolution (File 32-96-1.5) pending before the Budget Committee.

3. The Telecommunications Policy Committee (TPC) has reviewed the existing Franchise Agreement and the related amendments thereto which are pending before the Budget Committee (File 32-96-1.4) and has recommended that additional amendments be considered by the Board of Supervisors. While the TPC identified numerous areas where the Franchise Agreement could be strengthened, the TPC recommended that the Board of Supervisors focus on the following areas:

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- Conduit and fiber optic provisions. (Increasing City access to channels.)
- Consumer and government cable user discounts. (Providing increased discount rates for needy persons and government agencies.)
- Funding for Public, Educational and Governmental access channels. The TPC recommends increased funding from the franchise fees and changes in the proposed procedure for conducting elections for subscriber approved pass-throughs.
- Public, Educational and Governmental (PEG) channel placement on the cable system and PEG program listings. (Recommends stable placement and improved advertising of PEG channels.)

The Telecommunication Policy Committee's recommendations are more fully described in Attachment 2 to this report.



for Harvey M. Rose

cc: Supervisor Leal
Supervisor Ammiano
President Kaufman
Supervisor Alioto
Supervisor Bierman
Supervisor Brown
Supervisor Hsieh
Supervisor Katz
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

**Provisions Contained in
Existing Franchise Agreement**

SECTION 1. This Section provides that the City and County of San Francisco ("City"), grants a franchise to Television Signal Corporation, (hereinafter called "Chancery") and its successors, for the purpose of operating and conducting, a Community Antenna System.

"Community Antenna System" is defined as "Antennas, control cables, amplifiers, drop lines, other conductors, and other equipment or facilities, not limited to the foregoing, including any of the same, and any services performed by the use of same furnished by any public utility or other person or entity, whether pursuant to tariffs or any arrangement, necessary for or incidental to the capture or the transmitting of television signals, for a consideration, or as a public service, or customers at the selection of the Chancery."

Section 1 provided that "The Board of Supervisors shall establish a Telecommunications Policy Committee (hereinafter the "Committee"); and defines the powers, duties and responsibilities of the Committee.

SECTION 2. Provides for the provision to the City, by the Chancery, of complete plans, maps and records showing the exact location of all Community Antenna System equipment installed in streets, alleys and other public places in the City; requires specific information to be filed with the City concerning the construction of the system.

Contains a subsection stipulating System Requirements; "State of the Art" cable components and equipment; provision of local programming opportunities or public expression, and construction of a satellite antenna for reception of satellite programming.

Provides that basic subscriber rates shall continue to be set by ordinance of the Board of Supervisors.

Establishes requirements for support of public access channels.

Requires provision of new public, educational and governmental ("P.E.G.") channels should TSC transmission capability exceed beyond a total of 52 channels.

SECTION 1. (Now entitled "Chancery") Substitution Directive of the Department of Telecommunications and Information Services for the definition of the Department of Telecommunications. Deletes obsolete language concerning construction plan and related information.

SECTION 2. (Now entitled "Chancery") Substitution Directive of the Department of Telecommunications and Information Services for the definition of the point of origination for programming shall be provided at no cost to the City, to local districts or universities, are deleted and moved to new Section 27.1 Service area requirements are deleted and addressed in new Sections 26 and 26.1.

Requirements that at least one municipal and one educational "headend" (i.e.,

point of origination for programming) shall be provided at no cost to the City, to local districts or universities, are deleted and moved to new Section 27.1 Service area requirements are deleted and addressed in new Sections 26 and 26.1.

Deletes from requiring Municipal/Educational at least channel time and related quality standards have been moved to new Section 27 and 27.1. Public broadband wiring requirements are deleted and replaced with Section 24 through 24.7 and Appendix A through D.

Section 2 of the proposed amendment deletes franchise fee provisions which are addressed in Section 8.

Local programming subject to deleted reference to public access on Channel 25, and establishes new requirements for public access in Section 27 through 27.3. Satellite antenna construction and basic subscriber rate provisions remain

Provisions Contained in
Existing Franchise Agreement

(Continued)

SECTION 3. Grantee indemnifies City against any and all liability arising from operation of franchise.

SECTION 3. (Now entitled "Grantee Indemnification of the City")

Minor format changes only.

SECTION 4. Addresses technical requirements, undergrounding of facilities and technical quality and customer service.

SECTION 4. (Subsections now entitled "Technical Requirements", "Undergrounding" and "Technical Quality and Customer Service")

Minor format changes. Term "fiber optic" is added as permissible transmission medium in addition to coaxial cable.

SECTION 5. Provides that "The City reserves the right of reasonable regulation of the erection, construction, and maintenance of any works and construction by the Grantee and to reasonably designate where such works and construction are to be placed." Further provides that the system will be available without charge for disaster or civil defense purposes.

SECTION 5. (Subsections now entitled "City Regulatory Authority and System Available for Emergency/Civil Defense").

Minor format changes only.

SECTION 6: Provides that "The Grantee shall not have the right to assign or otherwise transfer in any manner whatever this Franchise, or sell, lease, license or permit others to use, transfer in any manner whatever, or convey any interest in, all or any part of its facilities which are installed or operated hereunder, except upon the prior written approval by ordinance of the Board of Supervisors of the City."

SECTION 6: (Now entitled "Limitation on Assignment or Transfer")

Minor format changes only.

SECTION 7: Provides that the franchise may be forfeited, at the option of the City, upon failure or refusal of the Grantee to observe the terms and conditions of the franchise.

SECTION 7: (Now entitled "Forfeiture")

Minor format changes only.

Provisions Contained in
Existing Franchise Agreement

(Continued)

Provisions Contained in Franchise Agreement Pending Before
the Budget Committee of the Board of Supervisors

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SECTION 8: The Grantee shall pay to the City as a Franchise and permit fee and the sum equal to five percent (5%) of its total gross receipts from Community Antenna System customers as defined in Section 19 hereof.

Total Gross Receipts is defined in Section 19 as any and all compensation and other consideration in any form whatever, and any contribution, grant, or subsidy received, directly or indirectly, from any source without exclusion whatever except as enumerated below by, for, or on behalf of the Grantee, any agent, lessee, licensee, or permittee of the Grantee, or any other person or entity operating or otherwise utilizing Community Antenna System facilities under any arrangement with the Grantee, in payment for any Community Antenna signal or signals, or for installations, servicing, or other acts, not limited to the foregoing, performed in connection with any Community Antenna System equipment, regardless of the ownership thereof, which is connected, or designed for connection, to a Community Antenna System, or any part thereof.

Total Gross Receipts shall not include the amount of any taxes on the service furnished by the Grantee imposed directly on the customer by any city, state or other governmental unit and collected specifically by the Grantee for such governmental unit.

The Grantee shall provide the Telecommunications Policy Committee with an annual projection of the amount of franchise tax proceeds to be paid to the City during the next calendar year.

The Grantee shall pay the five percent franchise fee to the Controller who shall deposit 4.8% of the Gross Receipts into the City's General Fund and shall deposit two tenths of one percent (0.2%) of the gross receipts into the Cable Television Access and Development Fund for public, educational, and municipal access activities. Public access functions shall be performed by a not-for-profit corporation.

The not-for-profit corporation's purpose, functions and responsibilities are defined in this Section. Municipal and educational access functions shall be funded by using that portion of the 0.2% franchise fee not used for public access.

SECTION 8: (Now entitled "Franchise Fee") All Franchise Fee provisions are now consolidated in this section. For the term of the Franchise, the Grantee or its successors will agree to pay the City a 5% Franchise fee on Gross Revenue. The City may renegotiate the fee at five year intervals if permitted by changes in current state or federal law, with disputes to be settled by arbitration.

The definition of Gross Revenue, as defined in Section 32 of the proposed ordinance is summarized as follows:

All amounts received by the Grantee or by any Affiliate of the Grantee including, but not limited to: (i) Amounts received for the provision of any Cable Service; and (ii) Amounts received for installation, disconnection, reconnection, change-in-service, repair, maintenance, late fees, and rental or sale of equipment; and (iii) Amounts received for advertising in program guides; and (iv) Amounts received for carriage of home shopping Cable System; and (v) Amounts received for studio and production equipment rental and personnel fees; and (vi) the fair market value of any free services, except as provided in subsection (d).

Gross Revenue shall also include all amounts received by the Grantee for advertising distributed over the Cable System, except revenue received from Bay Cable Advertising ("BCA"), or by any other Affiliate of the Grantee engaged in the business of selling local or regional advertising on the Cable System ("BCA Equivalent"). With respect to revenue received from or by BCA or a BCA Equivalent, Gross Revenue shall equal the greater of: (i) all Amounts received by the Grantee from BCA or any BCA Equivalent or (ii) forty per cent (40%) of the "subscriber pro-rated amount" multiplied by the "net advertising revenue" received by BCA or any BCA equivalent. Gross Revenue shall not include: (i) any taxes on services furnished by the Grantee; (ii) any revenue that is also included in Gross Revenue of the Grantee; (iii) the fair market value of any free services provided by the Grantee to employees of the Grantee, to Public Buildings, or as a contribution to any non-profit organization; (iv) investment income received by the Grantee or any Affiliate of the Grantee; (v) actual bad debt write-offs; provided, that subsequent collections of bad debts shall be included in Gross Revenue in the period collected; or (vi) Amounts paid by a Subscriber but subsequently refunded to the Subscriber.

Provisions Contained in
Existing Franchise Agreement

(Continued)

Provisions Contained in Franchise Agreement Pending Before
the Budget Committee of the Board of Supervisors

<p>SECTION 9: The terms of this Franchise shall extend until December 31, 2005. This Franchise is to be nonexclusive and shall be construed in accordance with applicable laws in the State of California, including the charter, ordinances, resolutions, and regulations of the City.</p>	<p>SECTION 9: (Now entitled "Term/Non-exclusivity) Minor format changes only.</p>
<p>SECTION 10: Grantee agrees that it shall not perform any services for customers for any compensation other than that which is stated in its schedule of rates and charges on file with the Board of Supervisors unless an application for modification has been approved by the Board of Supervisors. Any proposed modification of such schedule shall be filed with the Clerk of the Board of Supervisors of the City before any such modification may become effective. Within a period of ninety (90) days the Board of Supervisors shall, after public hearing and notification to the Grantee, act by ordinance to approve or disapprove in whole or in part, said proposed modification. Any modification of said schedule or part thereof which is approved by the Board of Supervisors shall not be put into effect until sixty (60) days after final passage of the ordinance giving such approval.</p>	<p>SECTION 10: (Now entitled Rate Modifications) Minor format changes only.</p>
<p>SECTION 11: Terms of the Franchise agreement shall be extended to all areas added to the City.</p>	<p>SECTION 11: (Now entitled "Annexation") Minor format changes only.</p>
<p>SECTION 12: No privilege or exemption is granted or conferred by this Franchise except those specifically prescribed by the ordinance.</p>	<p>SECTION 12: (Now entitled "Grantee Privileges Subordinate") Minor format changes only.</p>
<p>SECTION 13: All construction by the Grantee is subject to approval by the Director of Public Works.</p>	<p>SECTION 13 :(Now entitled "City Authority over Construction") Minor format changes only.</p>
<p>SECTION 14: The Grantee shall promptly remove from the streets, alleys and public places of the City all property no longer used for purposes defined under the Franchise ordinance.</p>	<p>SECTION 14: (Now entitled "Abandoned Property") Minor format changes only.</p>
<p>SECTION 15 : At the order of the Director of Public Works the Grantee must remove or relocate any and all facilities connected with the operation of the franchise.</p>	<p>SECTION 15 :(Now entitled "Removal and Relocation of Facilities") Minor format changes.</p>

Provisions Contained in
Existing Franchise Agreement

(Continued)

Provisions Contained in Franchise Agreement Pending Before
the Budget Committee of the Board of Supervisors

SECTION 16 : The Director of Public Works can compel the Grantee to perform any work required of it by an existing or future ordinance, resolution, or regulation of the City, or by State law, or by provisions of this Franchisee,

SECTION 17 : The Grantee shall maintain for the entire term of the Franchise a faithful performance bond approved by the Controller and in form satisfactory to the City Attorney of the City in the amount of \$25,000.

SECTION 18 : Grantee agrees that during the existence of this Franchise it will maintain a general comprehensive liability insurance policy, in officers, agents and employees, and the Redevelopment Agency of the City, its members, officers, agents and employees, with minimum liability limits of \$30,000 for personal injury or death of any one person and \$50,000 for personal injury or death of two or more persons, in any one occurrence, and \$50,000 for damages to property resulting from any one occurrence.

SECTION 19 : Definitions of terms used in the original franchise ordinance. Definitions are now in Section 32 of the proposed ordinance.

SECTION 20: Limited authorization to FCC approved television signal only.

SECTION 21: Further limitations on television signal delivery including athletic events originating in San Francisco.

SECTION 22: Grantee to file written acceptance of Franchise with the Clerk of the Board of Supervisors.

SECTION 16 : (Now entitled "Cure for Nonperformance")
Minor format changes only.

SECTION 17 : (Now entitled "Performance Bond")
Minor format changes only.

SECTION 18 : (Now entitled "Insurance")
Minor format changes only.

SECTION 19 : (Formerly Section 20; now entitled "Limited Authorization to Grantee")
Minor format changes only.

Minor format changes only.

SECTION 20: (Formerly Section 21; now entitled "Television Signal Delivery")
Minor format changes only.

SECTION 21: (Formerly Section 22; now entitled "Acceptance")
Minor format changes only.

Provisions Contained in
Existing Franchise Agreement

(Continued)

SECTION 23: If any part of the ordinance is for any reason held illegal, invalid, or unconstitutional, it shall not affect the validity of the ordinance or any of the remaining portions thereof.

SECTION 24: If this Franchise is canceled by reason of the Grantee's default, that part of the system located in the streets shall, at the election of the City, become the property of the City at a cost not to exceed its then book value with a reduction for any damages incurred by the City in connection with such cancellation.

On expiration of the Franchise, the City at its election, may purchase the system at fair market value.

SECTION 22: (Formerly Section 23; now entitled "Severability")
Minor format changes only.

SECTION 23: (Formerly Section 24; now entitled "Termination")
Minor format changes only.

Summary of New Sections 24 through 32
in Franchise Agreement Pending before the Budget Committee

(NOTE: ALL REMAINING SECTIONS OF THE PROPOSED ORDINANCE ARE NEW)

SECTION 24: Service to Public Buildings

The Grantee shall be required to provide service to Public Buildings only as set forth in Sections 24.1 through 24.7 below.

SECTION 24.1 Service Connections

- With respect to the Public Buildings identified in Appendices A through D, the Grantee shall install a cable drop and outlet as follows:
- in each of the buildings identified in Appendix A within 6 months after the Date of the Franchise Amendments; and;
 - in each of the buildings identified in Appendix B within 12 months after the Date of the Franchise Amendments and;
 - in each of the buildings identified in Appendix C within 18 months after the Date of the Franchise Amendments; and;
 - in each of the buildings identified in Appendix D when the City makes available an open utility trench.

SECTION 24.2 Continuing Service Connection Obligation.

Grantee shall install a cable drop and outlet to new Public Buildings or Public Buildings where cable service may become available in the future.

SECTION 24.3 Cable Facilities Capital Grant.

On or before January 15 in each of the years 1997, 1998, 1999, 2000, and 2001 the Grantee shall pay to the City \$50,000 and on or before January 15 in each of the years 2002, 2003, 2004 and 2005 the Grantee shall pay to the City \$25,000. These funds may be used by the City to purchase and install cable drops or outlets and associated equipment in Public Buildings; to purchase and install any product or service offered by the Grantee or offered by any other entity authorized to provide services over the Cable System; to make any capital expenditure related to the Franchise Agreement.

SECTION 24.4 Signal Strength and Quality standards.

SECTION 24.5 Service Level In Public Buildings

The Grantee's service to Public Buildings shall include the installation and maintenance of a cable drop and outlet but shall not include relocation of outlets and shall not include any television set.

The Grantee's service to Public Buildings shall include but not be limited to basic cable services and the cable programming service tier, shall not include premium Channels, pay per view Channels and a la carte services not subject to rate regulation; and may include a la carte services subject to rate regulation, subject to mutual agreement between the City and the Grantee

SECTION 24.6 Alternative Service

Unless and until the Grantee installs and provides Cable Service to the Public Buildings located at 676 Howard Street, 800 Mission Street, and 6101 Fulton Street, as well as the men's and women's gymnasium buildings on the Phelan Avenue Campus of City College of San Francisco, Grantee shall, within 6 months after the Date of the Franchise Amendments provide satellite service to these buildings, including all equipment necessary to receive such service but not including any television set.

SECTION 24.7 Termination of Service Obligation

If a Public Building ceases to be owned or leased and occupied by any of the entities designated in Section 32.16, the Grantee's obligation to serve the Public Building pursuant to Sections 24 through 24.6 shall cease with respect to that Public Building.

Summary of New Sections 24 through 32
in Franchise Agreement Pending before the Budget Committee
(Continued)

SECTION 25. Rebuild of Cable System.

The Grantee informs the City that it has begun to rebuild the Cable System in the Areas designated in Appendix E. The Grantee shall be entitled to use the Rebuilt System to make Upgraded Services available provided, however that if the Grantee does not complete the Rebuilt System and offer Upgraded Services to all Subscribers within the Required Service Area within a reasonable period of time, Grantee shall cease providing Upgraded Services to any Subscriber within the geographic boundaries of the City and County of San Francisco.

On or before September 1 and March 1 in each year prior to completion of the Rebuilt System, the Grantee shall file a Rebuild Progress Report with the Board.

The Grantee will make diligent efforts to identify a hub location in Rebuild Hub Service Area 5, as identified in Appendix E. The Grantee shall notify the City of the status of these efforts within 6 months after the Date of the Franchise Amendments.

The Grantee shall not deny any services, including Upgraded Services, to any group of potential Subscribers because of the income of the residents in the local area in which such group resides.

SECTION 26. Service Obligation and Area.

Within the Required Service Area, the Grantee shall make all services distributed over the Cable System available to any Person who makes a request for service within 30 days of the request. The Grantee shall not discriminate among Persons in the availability of services or in the rates, terms and conditions thereof.

Within the Required Service Area, the Grantee shall install service at standard installation rates without charge for any line extension, regardless of whether extension of plant is required. Outside the Required Service Area, the Grantee shall install service but may charge a Subscriber the standard installation rate plus the amount of Grantee's actual and reasonable cost of labor and materials to construct and activate any extension of plant. Grantee shall implement a policy that will reimburse to Subscribers who have paid any line extension charges (and have signed a written agreement specifying the limits of Grantee's reimbursement obligation) a pro rata share of such charges if new customers become subscribers on that extension.

The Grantee shall provide service to the Expansion Areas identified as such in Appendix F by the time Upgraded Services are provided to any Subscriber in the immediately adjacent geographic area within the Required Service Area. Grantee shall be under no obligation to provide service within the Executive Park development, as designated in Appendix F, unless construction of at least 240 residential units is approved in this area and until a joint utility trench, meeting all applicable code requirements is opened to the proposed development. Further, the Grantee shall be under no obligation to provide service to the Hunter's Point Naval Reservation area unless construction of residential units is approved by the City, the Grantee is protected against liability for environmental contamination remediation costs and a joint utility trench, meeting all applicable code requirements is opened to the proposed development.

At the City's request, in response to any complaint that a Subscriber or Person has not been provided service in accordance with the requirements of the Franchise Agreement, the Grantee shall provide a report to the City, within 15 days of the City's request, explaining the request for service, the charge required in connection with the request and the disposition of the request.

SECTION 26.1 Low Income Rate.

Throughout the remaining term of the Franchise Agreement, so long as the Grantee or any Affiliate of the Grantee offers a reduced rate for basic cable services or the cable programming service tier to low-income subscribers in any jurisdiction within the state of California, the Grantee shall continue to provide a reduced rate for the most widely subscribed tiers of service, including but not limited to the basic service tier and the cable programming service tier (but excluding premium, pay per view, and a la carte services) equal to at least a twenty per cent (20%) reduction from standard rates to Subscribers who qualify for S.S.I. benefits; provided, however that the Grantee shall be under no obligation to provide a special tier of service distinct from the service tiers offered to other Subscribers.

Summary of New Sections 24 through 32
in Franchise Agreement Pending before the Budget Committee
(Continued)

SECTION 27. Public, Educational and Governmental (PEG) Access Channels

Throughout the remaining term of this Franchise Agreement, the Grantee agrees to provide Channel capacity for public, educational and governmental use as provided in this Section. The Grantee shall not exercise any editorial control over any PEG Channel. The Grantee may use the Channels allocated by this Section 27 for public, educational and governmental use only pursuant to rules and procedures adopted by the City.

Within 90 days after the Date of the Franchise Amendments, the Grantee shall increase from 2.3 to 3 the full-time usable activated Channels capable of NTSC video delivery, allocated for public, educational and/or governmental use.

The Grantee shall provide an additional 3 full-time usable activated PEG Channels at such time as the Grantee offers Upgraded Services to any Subscriber on a commercial basis.

The City, in its sole discretion, may designate any entity or entities to manage and control any PEG Channel or any portion thereof.

If the Grantee changes the location of any PEG Channel, the Grantee shall provide advance notice to Subscribers and will provide marketing support reasonably calculated to notify Subscribers about the change.

If at any time during the term of this Franchise Agreement the Grantee shall upgrade the Cable System to a capacity exceeding 750 MHz of bandwidth, 10% of any bandwidth used for Cable Services in excess of 750 MHz shall be allocated for PEG Channels on the same terms and conditions set forth in paragraphs (a) through (f) of this section.

SECTION 27.1. Public, Educational and Governmental Access Channel Transmission

The Grantee shall continue to provide, maintain and upgrade, at the Grantee's sole cost and expense, all equipment and facilities necessary to provide continuous transmission of public, educational and governmental access signals from the following locations: 1003 Turk Street, the Arts Extension Building on the Phelan Avenue Campus of City College of San Francisco, and the public access production facility currently located at 1855 Folsom Street.

(b) The Grantee shall, in addition, at Grantee's sole cost and expense, provide, maintain and upgrade all equipment and facilities necessary to distribute public, educational and government access signals originating from the following locations according to the following schedule:

- The New Main Library and the War Memorial Building (temporary City Hall) within 60 days of issuance of any necessary permits.

• City Hall, by the time the building reopens

- The High School for the Performing Arts plus an additional 7 buildings by the time Upgraded Services are offered to a majority of Subscribers in the Rebuild Hub Service Area in which the buildings identified by the City are located, provided that regardless of the status of the construction process, the additional sites shall be available in no event later than January 1, 2000.

- An additional three (3) locations to be completed prior to the time Upgraded Services are offered to a majority of the Subscribers in Rebuild Hub Service Area 5.

- If the public access production facility is moved to a location other than 1855 Folsom Street, the Grantee shall move, at no cost to the City, all equipment and facilities necessary to transmit programming.

- If the signal insertion point at 1003 Turk Street requires relocation in connection with the construction of the new adjacent 9-1-1 facility, the Grantee shall move any equipment and facilities necessary to distribute PEG Channel signals from this location within the footprint of the existing Emergency Command Center or to the new adjacent 9-1-1 facility.

The Grantee shall, at its sole cost and expense, provide and maintain all equipment necessary to distribute Second Audio Program (SAP) signals over all PEG Channels from all PEG Channel Origination Locations.

Summary of New Sections 24 through 32
in Franchise Agreement Pending before the Budget Committee
(Continued)

SECTION 27.2 Facilities & Support for Public, Educational and Governmental (PEG) Channels

Within 30 days after the Date of the Franchise Amendments, the Grantee shall make a cash grant to the City in the amount of \$750,000 for the acquisition of equipment by the City or by any entity designated by the City to manage and control any PEG Channel or any portion thereof, to support the operations of the PEG Channels.

The Grantee shall make additional cash grants to the City for acquisition and replacement of equipment to support the operations of the PEG Channels according to the following schedule and in the following amounts:

- \$7000 on or before June 15 in each of the years 1997, 1998, 1999, and 2000;
- \$15,000 on or before June 15 in each of the years 2001, 2002, and 2003; and
- \$25,000 on or before June 15 in each of the years 2004 and 2005.

Within 30 days after the Date of the Franchise Amendments, the Grantee shall make a cash grant to the City in the amount of \$400,000 for the development of a new public access production facility.

Within 60 days after receiving specifications from the City, the Grantee shall confirm to the City that it has ordered a mobile video production van, for use in the production of programming for the PEG Channels, with van and equipment meeting City specifications for costs not to exceed \$200,000.

Within 30 days after the Date of the Franchise Amendments, the Grantee shall make a cash grant to the City in the amount of

\$75,000 to facilitate transfer of control over the public access Channel from the Grantee to a not-for-profit corporation designated by the Board pursuant to Section 27.3 and for 1996 operating expenses.

Commencing with 1997, the Grantee shall make an annual cash grant to the City to be used for operating expenses for the PEG Channels. The amount of the grant shall be \$450,000 for each of the calendar years 1997 and 1998; provided, however that the amount of the grant in the initial year shall be pro-rated based on the number of days remaining in the year as of the date on which management and control over the public access Channel is transferred pursuant to Section 27.3. The amount of the annual operating expense cash grant shall increase by \$22,500 every three years (i.e. in 1999, 2002, and 2005).

SECTION 27.3 Transfer of Control Over Public Access Channel and Production Facility

On a date designated by resolution of the Board, the Grantee shall transfer management and control over the public access Channel and all facilities and equipment used to support the public access Channel to a not-for-profit corporation designated by the Board.

Upon transfer of control of the public access Channel to the not-for-profit corporation designated by the Board, the Grantee shall deliver to the not-for-profit corporation the equipment in the existing public access facility identified in Appendix G.

SECTION 28: New City Conduit

This section details terms and conditions under which City would have access to Grantee's new and existing underground conduit.

Summary of New Sections 24 through 32
in Franchise Agreement Pending before the Budget Committee
(Continued)

SECTION 29: Unilateral Amendments

At three year intervals after and beginning with December 1, 1999, the Telecommunications Commission may recommend to the Board amendments to the Franchise Agreement. Within 6 months of receipt of such recommendations, the Board may adopt recommended amendments, provided that such amendments reflect service requirement changes based on advances in technology or demonstrated community needs, are substantive in nature, and affect a significant number of Subscribers. The Board shall not adopt amendments to the Franchise Agreement requiring the Grantee to:

- increase the level of service or number of outlets provided to Public Buildings; or
 - increase the number of or amount of the grants provided pursuant to Section 24.3 of the Franchise Amendments;
 - add PEG Channel Origination Locations or change the site of any such location;
 - provide any additional operation or management of PEG Channels or PEG Channel programming;
 - pay any additional fees to enable the City to provide programming on any PEG Channel;
 - provide any additional facilities or equipment in connection with the operation of the PEG Channels;
 - provide financial assistance to the City to support digital compression of PEG Channel programming;
 - provide additional PEG Channels;
 - provide additional equipment or operating grants for support of the PEG Channels, except as provided pursuant to Section 29.1; (x) provide additional conduit to the City;
 - provide additional low income rates, so long as the rate required by Section 26.1 of the Franchise Amendments is still in place;
 - expand the City's power to unilaterally amend the Franchise Agreement; or
 - construct a dedicated institutional network for municipal use.
- The Board shall not adopt amendments to the Franchise Agreement expanding the Required Service Area or the terms of Grantee's line extension obligations outside the Required Service Area, save and except with respect to (i) the Presidio, or (ii) with respect to the unserved areas in the South of Market area. In case of dispute or questions of interpretation of this Section 29 the matter will be decided by arbitration.
- SECTION 29.1: Unilateral Amendments Enhancing Facilities and Support for PEG Channels**
- Unilateral amendments recommended by the Telecommunications Commission that expand the Grantee's obligations to enhancing facilities and support for PEG channels provided that no such amendments shall become effective until approved by at least 30% of Subscribers pursuant to a secret ballot, and The Grantee may recover from Subscribers, by a passthrough enumerated on Subscriber bills, the costs of complying with any increased obligations adopted pursuant to this section without regard to the limitation on passthroughs adopted in Section 30 of the Franchise Amendments.

(Continued)

SECTION 30. Benefits Not Franchise Fees /Limitation on Subscriber Passthroughs.
Grantee expenditures required to perform obligations under the Franchise Agreement shall not be offset or credited against any fee payments due to the City during the term of this Franchise Agreement.

The Grantee agrees that no expenditure or increase in expenditures required to perform any of the obligations set forth in Article 24 through 24.7, in subsections (a), (b), (c) and (d) of Section 27.2 and in Section 28 of the Franchise Amendments, shall be passed through to Subscribers or itemized on Subscriber bills with the exception of any expenditure resulting from unilateral amendment adopted pursuant to Section 29.1, exceed \$0.40 per Subscriber per month over the remaining term of the Franchise Agreement.

SECTION 31. Miscellaneous Provisions

This section states that the City and the Grantee disagree over their relative rights and obligations under certain provisions of the Franchise Agreement due to changes in law subsequent to the original grant of the Franchise. It adds that the City and the Grantee shall not rely on, nor shall any court or administrative body consider, the execution and performance of the Franchise Amendments, or the failure to modify or modernize any provision of the Franchise Agreement in the Franchise Amendments, or the waiver of any claim or defense arising from any change in law between the date on which the Franchise was originally granted and the Date of the Franchise Amendments.

This section also states that the Franchise may have created a possessory interest subject to property taxation, and agrees to pay taxes of any kind, including possessory interest taxes, that may be lawfully assessed on the interest created by the Franchise Agreement.

Lastly, the Grantee will be required to work with the City to extinguish any claim by any superior governmental entity (such as the Federal Government with respect to the Presidio) that such superior governmental entity is a franchising authority under which the Grantee would be allowed to offset fees actually paid to the superior governmental entity from local franchise fees.

SECTION 32: Definitions

This section contains definitions of terms used in this amended ordinance.

Appendices in Existing Franchise Agreement

Appendices in Franchise Agreement
Pending before the Budget Committee

Appendix 1: Facilities, Studio Size, and Office Space for production and playback of public access programs.	Appendix A: Public Buildings to be Wired Within 6 Months
Appendix 2: Equipment and Signal/Image Quality Standards for public access channels.	Appendix B: Public Buildings to be Wired Within 12 Months
Appendix 3: Equipment for public access studios.	Appendix C: Public Buildings to be Wired Within 18 Months
Appendix 4: Maintenance and Repair of Equipment.	Appendix D: Public Buildings to be Wired After Line Extensions
Appendix 5: Hours of operation.	Appendix E: Preliminary San Francisco Cable System Rebuild: Hub Service Areas
Appendix 6: Staffing of access coordinators.	Appendix F: Map: Required Service Area and Required Expansion Areas
Appendix 7: Training for community users.	Appendix G: Public Access Equipment to be Transferred to Not-for-Profit Corporation
Appendix 8: Access Policy - access exclusively to City and County of San Francisco residents.	
Appendix 9: Availability of records and documents for inspection.	



TELECOMMUNICATIONS POLICY COMMITTEE

An Advisory Committee Appointed by the Board of Supervisors to Represent the Public Interest in Telecommunications

Attachment 2
Page 1 of 4

November 19, 1996

Zane Blaney
Community TV Corp.
Chair

Carole Roberts
SF City College
Vice-Chair

Maria Agudelo
Public Interest

Sybil Boutilier
Public Interest

Michael Freeman
Public Interest

Sue Levitin
Viacom Cable

Ed McBride
Public Interest

Byron Rhett
Redevelopment Agency

Owen Seitel
Attorney

The Honorable Barbara Kaufman
President-elect, Board of Supervisors
City and County of San Francisco
401 Van Ness Avenue, Room 308
San Francisco, CA 94102

Reference: Amended San Francisco Cable Franchise

Dear Supervisor Kaufman:

The Telecommunications Policy Committee (TPC) is the citizen's committee appointed by the Board of Supervisors to advise you on public interest issues concerning the San Francisco Cable Franchise. The committee has voted to recommend changes in the Amended San Francisco Cable Franchise that should be considered before the franchise is approved. The TPC believes the changes are necessary to protect public and government interests. Although the committee has identified numerous areas where it believes changes would strengthen the franchise, it is recommended that you focus on the following:

1. Conduit and fiber optic provisions.
2. Consumer and government cable user discounts.
3. Funding for the Public, Education and Government PEG access channels.
4. PEG channel placement on the cable system and PEG program listings.

Enclosed for your information are the following:

1. Summary narrative concerning four primary recommendations.
2. Complete list of all recommended changes.
3. Technical Evaluation of Viacom Franchise Compliance.
3. Break out of cable operator provided grants for PEG.
4. Proposed funding needs by PEG entities.
5. Recent articles concerning TCI financial status.

Finally, the TPC is concerned about the financial status of TCI, Inc. Although there is no question TCI has experience operating cable systems, its ability to live up to all of the provisions of the amended franchise should be reviewed.

Members of the TPC will be contacting your office in the near future to discuss these issues with you. Thank you for our time and attention.

Respectfully Submitted,

Zane Blaney

Zane Blaney, Chair
Telecommunications Policy Committee

Enclosures

1. CONDUIT AND FIBER

A continuous underground conduit for dedicated use by city and county government is one of the most valuable resources any city and county can own. It is the infrastructure for fiber communications rings; Institutional Networks (I-Nets), Internet, internal phone and computer connections and television signal distribution. In addition, conduit, filled with strands of fiber optics, can provide leasing revenues for cities from telecommunications providers and other industries.

Cities, like Milpitas, CA and counties like Montgomery County, Maryland will have local government-owned fiber networks before the year 2000. They will save millions of dollars in phone and communications costs. They will also attract technology savvy business and industry that want to use the conduit or fiber. This will create jobs and be a potential government revenue boon.

During the past sixteen years the City and County of San Francisco and Viacom Cable had the opportunity, through the cable franchise, to build a continuous underground conduit for the exclusive use of the City. This was never done. By one calculation, the City has spent over \$1,000,000 during the past sixteen years to lease underground conduit from Pac Bell because the City's conduit was never built.

This is to say nothing of the benefits the City could enjoy from the use of a fiber network in 1996. Such a network could connect all city departments and buildings with high speed data and telephone facilities. It could provide security in buildings and control traffic signals. There are a hundred and one uses for such a facility. The TPC believes that not having the conduit and fiber these many years has significantly delayed the City's ability to function in the information age. The City and County of San Francisco is largely unconnected, computer dysfunctional and unprepared for the new telecommunications environment.

The amended franchise once again calls for the construction of underground conduit, but the TPC believes there are too many restrictions on the use of the conduit. The franchise also prohibits the City from requiring an I-Net from the cable operator, a common franchise feature in many cities.

The TPC believes the conduit should be made available without restrictions providing the City's use does not compete with the cable operator or private industry. The City should have the right to lease the conduit and fiber capacity to the private sector where appropriate.

TCI, Inc. plans to rebuild the San Francisco cable system with 54 strands of fiber optics. It is anticipated that some of this fiber will be used to provide phone or telephony services. Most of this fiber will be unused or remain "dark." The cost of fiber is minimal. The TPC recommends that the cable operator be required to provide at least one strand of fiber for dedicated, unrestricted City and County use and that this be accomplished within the next three years.

2. DISCOUNT RATES

For Residents:

Section 26.1 provides for discounts from standard rates for people who "qualify for SSI benefits." This is too narrow a standard. Many technicalities can bar needy residents from qualifying for SSI benefits for a variety of reasons unrelated to their need for assistance. We must insure that all San Francisco residents have the opportunity to access the increasingly essential political, social and economic information provided by cable television. In San Francisco television reception is especially problematic due to the hilly terrain. Cable is the only means for reception of local broadcast television channels for many residents.

The TPC recommends that Section 26.1 should be rewritten so that discounts from standard rates will be provided to people "who are eligible for any Means Tested Federal, State or Local Income Maintenance Program including but not limited to SSI, Temporary Family Assistance, General Assistance or Refugee Assistance."

For Government:

Section 24.3 concerns additional cable services which may be purchased by the City from the cable operator. The TPC recommends that rates for services provided to the City should be below the commercial rates. In the same spirit as the Universal Access provision of the new Telecommunications Act of 1996, the following language should be adopted: "Which the grantee shall provide at a rate which should be discounted from the lowest commercial rate offered to any customer, including discount bulk and promotional rates available to any customer, or offered by any other entity providing services over the cable system."

2. PUBLIC, EDUCATION AND GOVERNMENT (PEG) ACCESS CHANNEL FUNDING

It is imperative that the City and the cable operator provide adequate funding to operate and equip the PEG channels. Historically these channels have been under-funded, under-used and poorly equipped. With the amended franchise the City has the opportunity to correct this situation.

Recently the TPC asked the PEG management entities to submit their equipment and operational needs for inclusion in this document. (See attached budgets and equipment requests) The TPC has not taken a position on the dollar amounts in the funding requests. The committee recommends that the Board of Supervisors hold a hearing, in the very near future, to review the PEG needs and make a determination as to the level of funding the PEG channels can expect through the year 2005.

The TPC believes the cable operator contributions for PEG capital, PEG other and capital grants (see enclosure) are adequate from the cable operator, however, these grants are not sufficient to cover the capital needs of the PEG channels through 2005. The TPC strongly recommends that the City supplement this contribution by increasing the percentage of its contribution for PEG support in Section 8 (g). The committee recommends that the City increase the 0.2% portion of the franchise fee to a level that will adequately supplement the funding of the cable operator for PEG capital.

The TPC does not believe that the proposed cable operator pass-through for PEG operations of less than \$.20 cents per subscriber, per month is sufficient and recommends that this should be increased to \$.40. This would provide \$7,862,400 over the next nine years for PEG operations support rather than the proposed \$3,876,000. The cost to subscribers would be \$.40 per year or \$43.20 over the next nine years. The \$.40 is less than the \$.50 pass-through in Iowa City or the \$.65 pass-through in Salina, Kansas

Concerning subscriber pass-throughs, the TPC believes Section 29.1, allowing additional pass-throughs of PEG operating expenses by subscriber election only, is unacceptable. A current Federal Communications Commission (FCC) Commissioner, when asked about this process stated that it was inappropriate, suggesting that if an election on PEG pass-throughs were allowed, then subscribers should have the right to elect whether or not to approve *any* rate increase. In addition, this would place the cost and burden of conducting such an election on the City. This section should be deleted.

3. PLACEMENT OF PEG CHANNELS

The relocation of the PEG channels on the cable system as allowed in Section 27 (f) causes confusion and loss of viewership. The original franchise required that public access be located on channel 25 and that local origination be on channel 6. Stable placement of the PEG channels on the cable system is vital to consistent viewership, especially since some subscribers only receive the first thirty six channels.

The TPC recommends that the franchise require that the PEG channels be placed on specific channels within the first 36 channels. Changes in the channel placement should be allowed only with Telecommunications Commission approval when the changes are necessary for technical or regulatory reasons.

In addition, program listings for PEG channels are not included in most public program listings. As a result, it is difficult for viewers to know which programs are available on the PEG channels. The TPC recommends that Section 27 (f) should also require that all PEG channel program listings be included in any customer notifications or advertisements of listings which describe or list programming on 50% of carried channels.

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